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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
कन्द्रीय प्राधिकारियों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administration of Union Territories)

मंत्रिमण्डल सचिवालय
(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 25 जनवरी, 1974

का. आ. 413.—दण्ड प्रक्रिया संहिता, 1998 (1898 का 5) की धारा 492 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार बम्बई के एडवोकेट श्री पी. आर. नामजोशी को सेशन-जज, बम्बई के न्यायालय में—राज्य बनाम श्री बी. पी. गरीवाल, भूतपूर्व हंड शरीफ, और अजीज मुल्लान हाजीभाई, भूतपूर्व एजेंट, यूनिजन बैंक आफ इंडिया बम्बई—के मामले में दोषी व्यक्तियों के अभियोजन की परी कराने के लिए एतद्द्वारा विशेष-लोक-अभियोजक नियुक्त करती है (आर सी नम्बर 60/71 आफ स्पेशल पुलिस इशटर्बलिशमेंट)।

[संख्या 225/92/73-ए बी डी-2]

बी. सी. वनजानी, अवर सचिव

CABINET SECRETARIAT
(Department of Personnel and Administrative Reforms)

New Delhi, the 25th January, 1974

S.O. 413.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure,

1898 (5 of 1898), the Central Government hereby appoints Shri P. R. Namjoshi, Advocate, Bombay, as Special Public Prosecutor for conducting the prosecution of the accused persons in the case of State Vs. Shri B. P. Gariwala, Ex-Head Shroff and Shri Aziz Sultan Hajeebhoy ex-Agent, Union Bank of India, Bombay before the Court of Sessions Judge, Bombay (R.C. No. 60/71 of the Special Establishment).

[No. 225/92/73-AVD. II]

B. C. VANJANI, Under Secy.

भारत निर्वाचन आयोग

नई दिल्ली, 21 जनवरी, 1974

का. आ. 414.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, मणिपुर सरकार के परामर्श से, श्री एस. एस. अग्रवाल सचिव (विधि), मणिपुर सरकार की तारीख 7 दिसम्बर, 1973 से अगले आदेशों तक, श्री एन. डी. जायल के स्थान पर, मणिपुर राज्य के लिये मुख्य निर्वाचन अधिकार के रूप में एतद्द्वारा नामनिर्दिष्ट करता है।

[सं. 154/मणिपुर/73]

(579)

ELECTION COMMISSION OF INDIA

New Delhi, the 21st January, 1974

S.O. 414.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Manipur, hereby nominates Shri S. S. Agrawal, Secretary (Law) to the Government of Manipur as the Chief Electoral Officer for the State of Manipur with effect from the 7th December, 1973 and until further orders, vice Shri N. D. Jayal.

[No. 154/MR/73]

आदेश

नई दिल्ली, 28 जनवरी, 1974

क्र. आ. 415.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए लोक सभा के लिए साधारण निर्वाचन के लिये 37-बक्सर संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बृज बिहारी सिंह, ग्राम व पो. आ. भाड़ा, जिला शाहाबाद (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दार्ष्टिक्य करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बृज बिहारी सिंह का संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरिहृत घोषित करता है ।

[सं. बिहार-लो. सं. 137/71(18)]

बी. एन. भारद्वाज, सीचक

ORDER

New Delhi, the 28th January, 1974

S.O. 415.—Whereas the Election Commission is satisfied that Shri Brij Bihari Singh, Village and P. O. Bhada, District Shahabad (Bihar) who was a contesting candidate for election to the House of the People from 37-Buxar Parliamentary Constituency held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Brij Bihari Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/37/71(16)]

B. N. BHARDWAJ, Secy.

New Delhi, the 6th February, 1974

S.O. 416.—In pursuance of Clause (b) of Sub-Section (2) of Section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgment dated 21 December, 1973 of the Supreme Court of India in Civil Appeal No. 870 of 1973 against the judgment, dated 26 March, 1973 of the High Court of Judicature at Patna in Election Petition No. 1 of 1972.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 870 of 1973

Hukumdev Narain Yadav ... Appellant

Vs.

Lalit Narain Mishra ... Respondent.

JUDGMENT

JAGANMOHAN REDY, J. In the bye-election to Lok Sabha from Darbhanga Parliamentary Constituency held on January 30, 1972, the respondent Lalit Narain Mishra—a candidate of the Indian National Congress—was declared elected on February 2, 1972 by a margin of 91,078 votes against his rival Ramsewak Yadav—a candidate of the Socialist Party—at that election. The appellant an elector in that constituency presented an election petition on Monday, March 20, 1972, instead of on Saturday, March 18, 1972, which was the last day of limitation. The petition, however, was dismissed by the High Court as being time-barred. Against that judgment an order this appeal has been filed under s. 116-A of the Representation of the People Act, 1951 (hereinafter referred to as 'the Act').

It may be mentioned that s. 80-A was added to the Act by the Amendment Act 47 of 1966, whereunder the High Court was given jurisdiction to try election petitions. This jurisdiction has to be exercised ordinarily by a Single Judge of that Court and the Chief Justice could from time to time assign one or more Judges for that purpose. Section 81 prescribes the period of 45 days from the date of the election of a returned candidate within which an election petition calling in question any election on one or more grounds specified in sub-s. (1) of s. 100 and s. 101 has to be presented to the High Court. If the provisions of section 81 are not complied with, s. 86 requires that the High Court shall dismiss the petition. There is no doubt that election petition in this case has been presented beyond the period of 45 days and had necessarily to be dismissed.

What we have to consider, however, is that whether having regard to the requirements of rr. 6 and 7 of the Rules for the Disposal of Election Petition framed by the Patna High Court, an election petition should only be filed before a Judge of the High Court sitting in open court, and it could not be filed on a Saturday when the Judges do not sit and hence the filing of that petition on Monday, March 20, 1972, Sunday being a holiday, is in time. Even if it be held that the filing of the petition was beyond the time prescribed in s. 81, it has further to be considered whether the provisions of s. 5 of the Limitation Act 36 of 1963 are applicable to such petitions and whether the petitioner has shown sufficient cause in the petition which has now been filed before Court for not filing the petition in time to enable the Court to admit it after the prescribed period.

Three questions which require determination are—

- (1) Is the Court closed on Saturday, when the Judges do not sit for the purposes either of s. 10 of the General Clauses Act, or s. 4 of the Limitation Act?
- (2) By virtue of s. 29(2) of the Limitation Act, are the provisions of ss. 4 to 24 of the said Act applicable to election petitions?
- (3) If they are, and s. 5 of the Limitation Act is applicable, do the facts of the case warrant condonation of delay?

On the question whether the petitioner could have filed the petition on Saturday, March 18, 1972, what has to be

seen is whether the Court can be said to be closed within the meaning of either s. 4 of the Limitation Act, 1963, or s. 10 of the General Clauses Act, 1897, because under both the provisions where the prescribed period of limitation expires on a day when the Court is closed the petition could be filed on a day when the Court re-opens. Where, however, the provisions of the Limitation Act apply, the proviso to s. 10(1) of the General Clauses Act in terms makes that provision itself inapplicable. Under s. 4 of the Limitation Act it is provided that where the prescribed period for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the Court re-opens. The Explanation thereof states that a Court shall be deemed to be closed on any day within the meaning of that section if during any part of its normal working hours it remains closed on that day. It was sought to be contended that even if the Limitation Act applies, s. 4 would not apply because an election petition is neither a suit, nor an appeal nor an application, notwithstanding the definition of "application" contained in s. 2(b) of the Limitation Act as including a petition. It is, in our view, unnecessary to examine the submission in this context because even if s. 4 of the Limitation Act does not apply s. 10 of the General Clauses Act will certainly apply to election petitions to be filed under the Act as held by this Court in *H. H. Raja Harinder Singh v. S. Karnail Singh*.¹ In that case an election petition had to be filed under r. 119(a) of the Election Rules not later than fourteen days from the *terminus a quo* prescribed therein, but as the day on which it could be filed was a Sunday he filed it on the next day. The contention of the Solicitor-General was that s. 10 of the General Clauses Act "can apply on its own terms only when the act in question is to be done 'with a prescribed period', that under r. 119(a) of the Election Rules the petition has to be filed 'not later than' fourteen days, that the two expressions do not mean the same thing, the words of the Rule being more peremptory, and that accordingly s. 10 of the General Clauses Act cannot be invoked in aid of a petition presented under r. 110, later than fourteen days". This argument was rejected as being erroneous because "Broadly stated, the object of the section is, to enable a person to do what he could have done on a holiday, on the next working day. Where, therefore, a period is prescribed for the performance of an act in a Court or office, and that period expires on a holiday, then according to the section the act should be considered to have been done within that period, if it is done on the next day on which the Court or office is open. For that section to apply, therefore, all that is requisite is that there should be a period prescribed, and that period should expire on a holiday." Of course s. 10(1) of the General Clauses Act does not speak of a holiday, but refers to the Court or office being closed on the last day of the prescribed period to enable a party to do an act or take any proceedings on a certain day or within a prescribed period, as the next day on which the Court or office is open. If the Court is closed on the day when limitation expired, s. 10(1) of the General Clauses Act enables the filing on the next working day of the Court. But is the Court closed on a Saturday when the Judges do not sit though the office of the High Court is open?

A long course of decisions have held that a Court is not closed notwithstanding the fact that Judges do not sit on any day if otherwise the Court is open on that day. Harries, C. J. during the course of the arguments in *Lachmeshwar Prasad Shukul v. Girdhari Lal Chaudhuri*² observed that "Saturday" is a court day although the Judges are not sitting on that day. The learned Chief Justice and Fazl Ali, J., as he then was, (Agarwala, J., dissenting) went to the extent of holding that even in the vacations the Court is not closed and money can be deposited. Turner, C.J., speaking for himself, Kernan, Kinderslay and Muttusami Ayyar, JJ., (Innes, J., dissenting) observed in *Nachiappa Mudali and others v. Ayyasami Ayyar*³ "The judicial sittings of 'the Court may be adjourned; but the offices of the Court may still remain open for the offices of the pleadings. The Court may be open for this purpose although the Judge is not engaged in judicial functions or is not present in the Court-house or in the place where the Court is held." A Bench of the Madras High Court in *In re.*

*Thokkudubivyanu Immaniyelu and others*⁴ dealt with a similar practice which is followed by all High Courts and this Court for the summer vacation when the Courts close. The notifications in respect thereof specify a period between Monday to Friday both days inclusive as the vacation. The Court reopens on a Saturday, but judicial work starts only on the following Monday. It was held that the first day of the Court was a Saturday which was the day of receiving papers though the Judges actually sat for judicial work on Monday, as such an application, for which the prescribed period of limitation expired on Saturday the 5th when the Court was open and was not filed on that day, but on Monday the 7th, was held to be barred. See also *Dwarka Prasad and another v. Union of India*⁵; and *Sajjansingh and another v. Bhogilal Pandya and Anr*⁶.

It is, however, contended that having regard to rr. 6 and 7 of the Election Rules made by the Patna High Court under which an election petition has to be presented to a judge or a Bench sitting in open Court, and since Judges do not sit on a Saturday there is no Court on that day to which an election petition could be presented, we have to deal with this aspect.

At one stage the power of the High Court to make election rules was canvassed, but ultimately the validity of the Election Rules as such was not seriously challenged, and hence it is not necessary for us to express our views in this regard. Even on the assumption that the High Court could make the Election Rules and they are valid, do rr. 6 and 7 of those Rules warrant the submission that the Court is closed on the day when the Judges do not sit, though the office of the High Court is open? Rules 6 and 7 of the Election Rules are as follows :

"6. Subject always to the orders of the Judge, before a formal presentation of the election petition is made to the Judge in open Court, it shall be presented to the Stamp Reporter of the Court, who shall certify thereon if it is in time and in conformity with the requirements of the Act, and the Rules in this behalf, or is defective and shall thereafter return the petition to the petitioner for making the formal presentation after removing the defects if any:

Provided that if on any Court day the Judge is not available on account of temporary absence or otherwise the petition may be presented before the Bench hearing Civil applications and motions."

"7. (1) The date of presentation to the Judge or the Bench as mentioned in the proviso to rule 6 shall be deemed to be the date of the filing of the election petition for the purposes of limitation.

"(2) Immediately after it is presented, the petition shall be entered in a special register maintained for the registration of election petitions."

A reading of the above rules would show that—(1) the petition must first be presented to the Stamp Reporter; (2) the Stamp Reporter has to certify thereon whether it is in time and in conformity with the requirements of the Act and the Rules in that behalf or is defective; and thereafter (3) the petition shall be returned to the petitioner removing defects if any, and for formal presentation after removing the defects; (4) if the Judge who is designated to entertain and try election petitions is absent, the petition shall be presented before the Bench hearing Civil applications and motions; and (5) the date of presentation before the Judge or Bench, as the case may be, as provided in the proviso to r. 6 shall be deemed to be the date of filing the election petition for the purposes of limitation. If would appear from the above that the date of formal presentation to the Judge or the Bench, as the case may be, is the actual date of filing the petition. What happens when on the last day of the expiry of limitation for filing the petition, though a working day for the Court, if peradventure none of the Judges sit? Though in a Court which has a number of Judges, such a contingency may not occur, but in a High Court which consists of only one Judge such as is envisaged in the proviso to s. 80-A of the Act and that High Court has rules similar to rr. 6 and 7, it would, if we accept the contention of the

(1) (1957) S.C.R. 208.

(2) I.L.R. 19 Pat. 123.

(3) I.L.R. (1882) 5 Mad. 189 at 192.

(4) (1948) 1 M.L.J. 49.

(5) A.I.R. (1954) Pat. 384.

(6) A.I.R. (1958) Raj. 307.

learned Advocate for the appellant, create an anomaly when the only Judge of the High Court is absent due to illness or some other cause and the petition cannot be presented even though the Court has not been closed. The appellant in these circumstances would have us say that the Court is closed. But this contention has no validity, because as is submitted by the learned Advocate for the respondent that rr. 6 and 7 of the Election Rules should be read subject to r. 24 of the same Rules and if so read, the Patna High Court Rules, in so far as they are not inconsistent with the said Election Rules, shall apply *mutatis mutandis* to all election petitions. A reference to r. 26 of Chapter VII Part II of these Rules which regulate the procedure and practice before admission, would show what provision has been made in cases where appeals or applications have to be presented to a Bench and no Bench is sitting on the day when the limitation is due to expire. Rule 26 provides:

"On any Court day on which no Bench is or has been sitting, any memorandum of appeal or application which might be barred by time and which is entertainable only by a Bench may be presented to the Registrar, or, in his absence from Court on that day to the Deputy Registrar, or in their absence to the Assistant Registrar, who shall certify thereon that such memorandum of appeal or application was on that day presented to him:

"Provided always that no such presentation to the Registrar, Deputy Registrar, or Assistant Registrar, shall be of any effect, unless such memorandum of appeal or application be presented to a Bench on the next subsequent day on which a Bench is sitting".

It was, however, contended by the learned Advocate for the appellant, though on a further consideration he did not think that he could sustain it, that r. 26 makes a reference to an application and not to a petition: as such that rule is inapplicable to an election petition. Since it has been raised, we can only say that such an argument would be misconceived because r. 1 of Chapter III Part II states that every application to the High Court shall be by a petition written in the English language, rr. 2 to 10 further require what the petition should state, that it should be accompanied with etc. By these rules which have been made applicable to election petition by r. 2 of the Election Rules, whenever an application has to be made to a High Court, it should be made by a petition, so that there is no warrant for the submission that r. 26 does not deal with a petition, but only with an application.

It is further submitted that r. 26 has no application as it is inconsistent with r. 7 because under the latter rule the date of presentation to a Judge or a Bench is deemed to be the date of the filing of the election petition for the purpose of limitation, but r. 26 provides for the presentation to the Registrar etc. and after certification it is to be presented to a Bench on the next subsequent day on which the Bench is sitting. If that is the day for limitation, the learned advocate submits then no other day on which it is not presented to a Judge can be considered to be the day for limitation. If so, the presentation before the Registrar would be inconsistent with the requirements of r. 7. In our view, there is nothing inconsistent in rr. 6 and 7 of the Election Rules and r. 26 of the Patna High Court Rules, because r. 7(1) does not provide for a situation where the Judges do not sit and the period prescribed is deemed to expire on that day. It may be that the presentation to the Judge will be the date of filing for the purposes of limitation, but that does not exclude a different procedure for filing in a case where limitation is about to expire, when the conditions prescribed in the proviso to r. 6 of the Election Rules cannot be complied with. If r. 7(1) of the Election Rules had stated that the date of presentation to the Judge shall be deemed to be the date of the filing of the election petition for the purpose of determining whether the petition is barred by time, then such a provision could be said to be inconsistent with r. 26 of the High Court Rules. But that is not the case here. What r. 7(1) provides is that the date of presentation to a Judge or a Bench as mentioned in the proviso to r. 6 which contemplates the presentation of a petition before a Bench hearing Civil applications and motions on a court day, when a Judge is not available on account of temporary absence or otherwise, but it does not provide for a contingency where a Judge or a Bench is not sitting on any other day when the Court is not closed. The contingency is provided for by r. 26. In our view, there is nothing inconsistent

in rr. 6 and 7 of the Election Rules and r. 26 of the High Court Rules. If as the practice of the High Court is that Judges do not sit for judicial work on a Saturday, there are no Benches sitting on that day and consequently any provision made to deal with such a contingency could not be said to be inconsistent with the Election Rules. This conclusion is further reinforced by a reference to r. 13 of Chapter II Part I of the Patna High Court Rules where under the Registrar has power to receive an appeal under clause 10 of the Letters Patent, to receive an application for Probate or Letters of Administration or for revocation of the same and to issue notices thereon, to receive a plaint of an appeal from the decree or order of a Subordinate Civil Court etc. Rule 27 provides for the contingency when the Registrar is absent on the last day of limitation when such documents have to be filed. These Rules are consistent with the postulate that the Court is not in fact closed on a Saturday even though the Judges may not sit on that day. It would, in our view, be incongruous that a Court is open on Saturday for presentation of appeals, applications, plaints or decrees etc. mentioned in r. 13 of Part I of Chapter II referred to above even though the Judges are not sitting on that day, and yet closed on that same day for presentation of election petitions. In our view, therefore, reading rr. 6 and 7 with r. 26, there can be no manner of doubt that an election petition can be presented on the last day of limitation even when the Judges are not sitting to receive or entertain an election petition to the Registrar or is his absence to the other officers specified in r. 26. In fact the Patna High Court had, on a similar point, held nearly seven years ago in *Md. Gwals and others v. Phul Bibi and others*, (7) a copy of which has been placed before us, that where under r. 13 Part II, Chapter VII, it is provided that application for review must be presented by way of notice in open court to the Bench of whose judgment a review is sought, it could be filed on a Saturday if it is the last day of limitation. An argument similar to that addressed by the learned Advocate for the appellant was rejected on the ground that Saturday was a working day and that r. 26 clearly refers to a Saturday on which no Benches sit.

Now that we have held that the Court is not closed and the petition could have been presented to the Registrar on Saturday, March 18, 1972, the question would be, does s. 5 of the Limitation Act apply to enable the petitioner to show sufficient cause for not filing it on the last day of limitation, but on a subsequent day? Whether s. 5 is applicable to election petitions filed under s. 81 of the Act will depend upon the terms of s. 29(2) of the Limitation Act. Whether s. 5 could be invoked would also depend on the applicability of sub-s. (2) of s. 29 of the Limitation Act to election petitions. Under this sub-section where a special or local law provides for any suit, appeal or application a period different from the period prescribed therefor by the Schedule, the provisions specified therein will apply only in so far as and to the extent to which they are expressly excluded by such special or local law. Under s. 29(2) of the Limitation Act of 1908 as amended in 1922, only s. 4, ss. 9 to 18 and s. 22 of that Act applied ordinarily unless excluded by a special or local law. Thus unless s. 5 was made applicable by or under any enactment the discretion of the Court to extend time thereunder would not be available. Similarly ss. 6 to 8 would not apply and neither acknowledgment nor payment (under the former ss. 19 and 20) could give a fresh starting point of limitation. Even s. 5 under the old Act was in terms inapplicable to applications unless the sections was made applicable by or under any of the enactment. The new s. 5 is now of wider applicability and as the objects and reasons state "Instead of leaving it to the different States or the High Courts to extend the application of section 5 to applications other than those enumerated in that section as now in force, this clause provides for the automatic application of this section to all applications, other than those arising under Order 21 of the Code of Civil Procedure, 1908, relating to the execution of decrees. In the case of special or local laws, it will be open to such laws to provide that section 5 will not apply." The present section incorporates two changes: (1) a uniform rule making it applicable to all applications except those mentioned therein by defining "application" as including a "petition" in s. 2(b); and (2) to all special and local enactments, unless excluded by any of them.

The difference in the scheme of the provisions of sub-s. (2) of s. 29 under the two Acts will be discernible if they are juxtaposed as under :

S. 29 (2) of old Act

Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefor in that schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law—

(a) the provisions contained in section 4, sections 9 to 18, and Section 22 shall apply only so far as, and to the extent in to which, they are not expressly excluded by such special or local law; and

(b) the remaining provisions of this Act shall not apply.

S. 29(2) of new Act

Where any special or local law prescribes for any suit appeal or application a period of limitation different from the period prescribed by the schedule the provisions of section 3 shall apply as if such period were the period prescribed by the schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in sections 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law.

It will be noticed that under the 1908 Act there are two limbs—(1) that where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the First Schedule, the provisions of s. 3 shall apply as if such period were prescribed therefor in that Schedule; and (2) for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in s. 4, ss. 9 to 18 and s. 22 shall apply only in so far as, and to the extent to which, they are not expressly excluded by such appeal or local law. The remaining provisions of that Act are by virtue of clause (b) of sub-s. (2) inapplicable. The two limbs of sub-s. (2) are connected with the conjunction "and" and the question has been debated and there has been a cleavage of opinion as to whether those two limbs are independent or have to be read cumulatively and as an integrated whole. The decision of the Supreme Court in *Vidyacharan Shukla v. Khubchand Baghel and others* (8) has by a majority held that both parts of s. 29(2) of the old Act should be read as one whole and the conjunction "and" would have to be read as importing into what follows it, the conditions set out earlier and that the words following the conjunction "and" attract the conditions laid down by the opening words of the sub-section. This case was considering the applicability of s. 12(2) to appeals under s. 116A of the Act, which had provided a time limit for filing an appeal, but the First Schedule to the Limitation Act had not provided any. Even the absence of a provision prescribing a time limit in the First Schedule was considered by the majority as prescribing a different period, because when the First Schedule prescribes no time limit for a particular appeal but the special law prescribes a time limit for it, it prescribes a period different from that prescribed in the former. Where once the special or local law has provided a period different from that prescribed in the Schedule to the Limitation Act, sub-s. (2) of s. 29 stands directly attracted and ss. 3 and other sections shall apply in so far as, and to the extent to which, they are not expressly excluded by such special or local law. Though Sinha, C. J., and Ayyangar, J., agreed with Subba Rao, J., as he then was, that even where the First Schedule did not prescribe a period of limitation for an appeal which is different from that prescribed in the special or local law the sub-section applied, and even if it is assumed that for the application of s. 29(2) a period that is different has to be prescribed for an identical appeal then Art. 156 prescribes a different period, they did not agree with him, that the second limb of sub-s. (2) is an independent provision providing for that category of proceedings to which the first limb does not apply. Sinha, C. J., Rajagopala Ayyangar and Raghubar Dayal, JJ., by majority held that the entire sub-s. (2) of s. 29 of the Limitation Act has to be read as an

integrated provision and the conjunction "and" connects the two parts and makes it necessary for attracting cl. (a) that the conditions laid down by the opening words of sub-s. (2) should be satisfied. Raghubar Dayal and Mudholkar, JJ., also did not agree with the majority that where a right of appeal is given by some other law, the appeal must be regarded as the one under the Code of Civil Procedure, inasmuch as the words under the Code of Civil Procedure cannot be read as meaning "governed in the matter of procedure by the Code of Civil Procedure". Subba Rao and Mudholkar, JJ., held that the second limb of sub-s. (2) of s. 29 is wide enough to include a suit, appeal or an application under a special or local law which is of a type for which no period of limitation is prescribed in the First Schedule. In the result, Sinha, C. J., Subba Rao, Raghubar Dayal and Rajagopala Ayyangar, JJ., held that the exclusion of time provided for by s. 12 of the Limitation Act is permissible in computing the period of limitation for filing an appeal in the High Court under s. 116A of the Act.

It was contended before us that the majority decision requires reconsideration by a larger Bench, because a period of limitation which is different from that prescribed in any special or local law would mean that the Limitation Act should provide for a definite period which is different from that prescribed in the special or local law, a view which was taken by Mudholkar, J., in that decision. We do not think this would be a proper course, because in our view the matter was fully argued and considered by this Court, and while a different view can be taken, the need for certainty particularly in a matter concerning limitation where litigants have to be guided, the legal position should not be in doubt, when it is consistent with the view taken by this Court in other cases.

Secondly, *Vidyacharan Shukla's* (8) case is one which dealt with an appeal under the Act while what we have to consider is whether the Limitation Act is at all applicable to election petitions under the Act. Thirdly, s. 29(2) of the new Limitation Act does not now give scope for this controversy whether the two limbs of the old section are independent or integrated. No doubt s. 5 would now apply where s. 29(2) is applicable to even applications and petitions, unless they are expressly excluded. Even assuming that the Limitation Act applies to election petitions under the Act, what has to be seen is whether s. 5 is excluded from application to such petitions.

It has already been noticed that *Vidyacharan Shukla's case* (8) has made s. 12(2) applicable to appeals under s. 116A of the Act. The proviso to that section confers power similar to that conferred by s. 5. Even in appeals to the High Court under S. 417 of the Code of Criminal Procedure it has been held in *Lala Ram v. Hari Ram* (9) that s. 12 of the new Limitation Act will apply. On the ratio of *Vidyacharan Shukla's case* (8) even where the Limitation Act has not prescribed the period of limitation in the Schedule different from that prescribed under s. 81 of the Act, sub-s. (2) of s. 29 will be attracted and that position is not any the less different under the new Limitation Act. *Vidyacharan Shukla's case* (8) is, however, decisive for attracting sub-s. (2) of s. 12 to an appeal under s. 116A of the Act as there was nothing in that section to preclude its application. In *D. P. Mishra v. Kamal Narayan Sharma and Another* (10) again is a case in which the question of application of s. 12(2) of the Limitation Act to the computation of the period of limitation prescribed in s. 116A of the Act in respect of an order delivered by the Election Tribunal on December 28, 1966, was considered. After excluding the time taken for obtaining a certified copy of the order by the respondent just before the Court closed for the summer recess, the memorandum of appeal could only be lodged on the re-opening of the Court. Following the decision in *Vidyacharan Shukla's case* this Court held that ss. 4 and 12 of the Limitation Act would apply, because "There is no provision in the Representation of the People Act, 1951, which excludes the application of s. 4 of the Limitation Act."

In *Lala Ram's case* (9) to which a reference has been made already, a Bench of this Court to which one of us was

(9) (1970) 2 S.C.R. 898

(10) (1971) 1 S.C.R. 8

a party (P. Jaganmohan Reddy, J.) considered the applicability of s. 12 of the Limitation Act to an application under s. 417(3) of the Code of Criminal Procedure. In that case an application for leave to appeal to the High Court was filed under sub-s. (3) of s. 417 of the Code of Criminal Procedure against an order of acquittal by a Magistrate. It was claimed that two days were necessary for obtaining the certified copy of the order of the Magistrate and the application would be in time if these two days were deducted. The High Court accepted the appeal and convicted the appellant. In appeal to this Court against his conviction the appellant contended that the period of 60 days mentioned in s. 417(4) was not a period of limitation within the meaning of s. 12 of the Limitation Act and that the sub-section barred the jurisdiction of the High Court to deal with the application if a period of 60 days had expired from the date of the order of acquittal. It was held that the application to the High Court was within time. It was, however, urged that s. 417(4) contains a prohibition that no application under sub-s. (3) shall be entertained by the High Court after the expiry of 60 days from the date of the order of acquittal and consequently the jurisdiction of the High Court to entertain such applications for leave to appeal is barred. The Court rejected the contention and relying on the case of *Kaushalya Rani v. Gopal Singh* ⁽¹¹⁾ as well as on *Anjanabai v. Yeshwantrao Daulatrao Dudhe* ⁽¹²⁾ observed at p. 901 :

"It is quite clear that the Full Bench of the Bombay High Court and this Court proceeded on the assumption that s. 417(4) of the Criminal Procedure Code prescribes a period of limitation. The learned counsel however, contends that there was no discussion of this aspect. Be that as it may, it seems to us that s. 417(4) itself prescribes a period of limitation for an application to be made under s. 417(3). It was not necessary for the legislature to have amended the Limitation Act and to have inserted an article dealing with applications under s. 417(3), Cr. P.C.; it was open to it to prescribe a period of limitation in the Code itself."

The basis of this decision is that sub-s. (4) of s. 417 of the Code of Criminal Procedure is not in a negative form as contended for by the learned Advocate in that case, but that it has a positive content for performing an act and it prescribes a definite period within which an act has to be done.

In *K. Venkateswara Rao and Anr v. Bekkam Narasimha Reddi and Ors.* ⁽¹³⁾ to which we shall refer more fully later, *Vidyacharan Shukla's case* ⁽¹⁴⁾ was attempted to be pressed into service, but this Court repelled it and observed at pp. 688-689 :

"In our view, the situation now obtaining in an appeal to this Court from an order of the High Court is entirely different. There is no section in the Act as it now stands which equates an order made by the High Court under s. 98 or s. 99 to a decree passed by a civil court subordinate to the High Court. An appeal being a creature of a statute, the rights conferred on the appellant must be found within the four corners of the Act. Sub-s. (2) of the present s. 116-A expressly gives this Court the discretion and authority to entertain an appeal after the expiry of the period of thirty days. No right is however given to the High Court to entertain an election petition which does not comply with the provisions of s. 81, s. 82 or s. 117.

Though s. 29(2) of the Limitation Act has been made applicable to appeals both under the Act as well as under the Code of Criminal Procedure, no case has been brought to our notice where s. 29(2) has been made applicable to an election petition filed under s. 81 of the Act by virtue of which either ss. 4, 5 or 12 of the Limitation Act has been attracted. Even assuming that where a period of limitation has not been fixed for election petitions in the Schedule to the Limitation Act which is different from that fixed under s. 81 of the Act, s. 29(2) would be attracted, and what we

have to determine is whether the provisions of this section are expressly excluded in the case of an election petition. It is contended before us that the words "expressly excluded" would mean that there must be an express reference made in the special or local law to the specific provisions of the Limitation Act of which the operation is to be excluded. As usual the meaning given in the Dictionary has been relied upon, but what we have to see is whether the scheme of the special law, that is in this case the Act, and the nature of the remedy provided therein are such that the Legislature intended it to be a complete code by itself which alone should govern the several matters provided by it. If on an examination of the relevant provisions it is clear that the provisions of the Limitation Act are necessarily excluded, then the benefits conferred therein cannot be called in aid to supplement the provisions of the Act. In our view, even in a case where the special law does not exclude the provisions of ss. 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the Court to examine whether and to what extent the nature of those provisions or the nature of the subject-matter and scheme if the special law exclude their operation. The provisions of s. 3 of the Limitation Act that a suit instituted, appeal preferred and application made after the prescribed period shall be dismissed are provided for in s. 86 of the Act which gives a peremptory command that the High Court shall dismiss an election petition which does not comply with the provisions of ss. 81, 82 or 117. It will be seen that s. 81 is not the only section mentioned in s. 86, and if the Limitation Act were to apply to an election petition under s. 81 it should equally apply to ss. 82 and 117 because under s. 86 the High Court cannot say that by an application of s. 5 of the Limitation Act, s. 81 is complied with while no such benefit is available in dismissing an application for non-compliance with the provisions of ss. 82 and 117 of the Act, or alternatively if the provisions of the Limitation Act do not apply to s. 82 and s. 117 of the Act it cannot be said that they apply to s. 81. Again s. 6 of the Limitation Act which provides for the extension of the period of limitation till after the disability in the case of a person who is either a minor or insane or an idiot is inapplicable to an election petition. Similarly, ss. 7 to 24 are in terms inapplicable to the proceedings under the Act, particularly in respect of the filing of election petitions and their trial.

It was sought to be contended that only those provisions of the Limitation Act which are applicable to the nature of the proceedings under the Act, unless expressly excluded, would be attracted. But this is not what s. 29(2) of the Limitation Act says, because it provides that ss. 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law. If none of them are excluded, all of them would become applicable. Whether those sections are applicable is not determined by the terms of those sections, but by their applicability or inapplicability to the proceedings under the special or local law. A person who is a minor or is insane or is an idiot cannot file an election petition to challenge an election, nor is there any provision in the Act for legal representation of an election petitioner or respondent in that petition who dies, in order to make s. 16 of the Limitation Act applicable. The applicability of these provisions has, therefore, to be judged not from the terms of the Limitation Act but by the provisions of the Act relating to the filing election petitions and their trial to ascertain whether it is a complete code in itself which does not admit of the application of any of the provisions of the Limitation Act mentioned in s. 29(2) of that Act.

A Full Bench of this Court had in *N. P. Ponnuswami v. Returning Officer, Namakkal Constituency and others* ⁽¹⁵⁾ considered the provisions of the Act to determine whether any thing connected with the elections can be questioned at an intermediate stage. In that case the rejection of a nomination of a candidate in an election under the Act was sought to be challenged by a petition under Art. 296 of the Constitution. After examining the various provisions of the Act, Fazl Ali, J., observed at p. 231 that "it should be noted that there is no provision anywhere to the effect that anything connected with elections can be questioned at an intermediate stage." Again at p. 234 it was observed :

"If Part XV of the Constitution is a code by itself, i.e. it creates rights and provides for their enforce-

(11) (1964) 4 S.C.R. 982

(12) I.L.R. (1961) Bom. 135, 137

(13) (1969) 1 S.C.R. 679

(14) (1952) S.C.R. 218

ment by a special tribunal to the exclusion of all courts including the High Court, there can be no reason for assuming that the Constitution left one small part of the election process to be made the subject-matter of contest before the High Courts and thereby upset the time schedule of the elections."

The observations that the provisions of the Act are a self-contained code were also made in the case of **Vnkateswara Rao**(13) referred to earlier. In that case, in a trial of an election petition after the issues were framed the appellants made an application to the Court for impleading one R but it was dismissed. The first respondent then filed an application under s. 86(1) praying for the dismissal of the election petition on the ground that there had been non-compliance with s. 82(b) of the Act inasmuch as R against whom corrupt practice had been alleged had not been made a party. The appellants filed an application seeking to withdraw the allegation against R and in the alternative to implead him as a respondent. It was also prayed that delay in making the application may be condoned. The learned Judge of the High Court trying the election petition dismissed the aforesaid applications and refused to condone the delay. One of the contentions urged in the appeal was that s. 5 and s. 29(2) of the Limitation Act, 1963, were applicable to the case and the High Court and this Court had power to condone the delay made by the election petitioner in impleading a necessary party. This plea was rejected. Mitter, J., delivering the judgment of this Court for himself and Hidayatullah, C. J., after examining the relevant provisions of the Act in detail at pp. 682-686 observed at pp. 686-687 :

"It is well settled that amendments to a petition in a civil proceeding and the addition of parties to such a proceeding are generally possible subject to the law of limitation. But an election petition stands on a different footing. The trial of such a petition and the powers of the court in respect thereof are all circumscribed by the Act. The Indian Limitation Act of 1963 is an Act to consolidate and amend the law of limitation of suits and other proceedings and for purposes connected therewith. The provisions of this Act will apply to all civil proceedings and some special criminal proceedings which can be taken in a court of law unless the application thereof has been excluded by any enactment: the extent of such application is governed by s. 29(2) of the Limitation Act. In our opinion however the Limitation Act cannot apply to proceedings like an election petition inasmuch as the Representation of the People Act is a complete and self-contained code which does not admit of the introduction of the principles or the provisions of law contained in the Indian Limitation Act."

It would be a mere repetition again to refer to the provisions which were examined in much detail in that case except to notice that sub-s. (5) of s. 86 gives a latitude to the petitioner upon such terms as to costs and otherwise as the High Court may deem fit to amend the particulars of any corrupt practice alleged in the petition and amplify it in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but the High Court shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition. Now here is a definite indication that s. 5 of the Limitation Act cannot be attracted, because no new corrupt practice not previously alleged in the petition can be allowed by way of an amendment. If this is not permitted, it is because any introduction of new particulars of a corrupt practice not previously alleged in the petition would have altered the structure of the petition and would amount to a new petition being filed after the period of limitation, which is, what is expressly prohibited.

It is also significant that delay in the presentation of the election petition under the repealed s. 81 could be condoned by the Election Commission in its discretion under the proviso to the repealed s. 85 of the Act. But there was nothing in s. 85 which permitted the Election Commission to condone the non-compliance with the provisions of s. 117 of the Act. When the Act was amended and the jurisdiction was

given to the High Court to entertain and try election petitions, a provision similar to the proviso for condoning delay was not enacted. This omission definitely expresses Parliament's intention not to confer the power to condone any delay in the presentation of the petition. The whole object of the amendment in 1966 was to provide a procedure for a more expeditious disposal of election disputes, which experience had shown had become dilatory under the former procedure where election trials were not concluded even after five years when the next elections were held, notwithstanding the fact that every petition was enjoined to be tried as expeditiously as possible and endeavour was required to be made to conclude the trial within six months from the date on which the election petition was presented to the High Court for trial.

In **Krishan Chander v. Ram Lal**(15) two of us (Jaganmohan Reddy and Dwivedi, JJ) while holding that s. 82(b) of the Act was mandatory, the failure to comply with which was fatal to the maintainability of the petition, said (p. 769):

"Apart from ensuring the purity of elections, and finally in regard to all election matters, one other consideration seems to be the expeditious disposal of election petitions. Before the amendment of Section 82 by Act 27 of 1956 the unamended section made it incumbent on a petitioner "to join as respondents to his petition all candidates who were duly nominated at the election other than himself, if he was so nominated". The reason for the amendment of Section 82 has been stated in the notes on clauses to the Amendment Bill No. 33 of 1955 to be that the section as it stands holds up the trial of an election petition because of the difficulty in serving a notice on all those who have been nominated. It is further stated: "Naturally, it is only the returned candidate who takes any interest in contesting the election petition. Moreover, there is a provision in Section 90 which enables any other candidate to join as a respondent. It is accordingly proposed in this clause that Section 82 should be revised so that it is necessary to join as respondents only those candidates who are interested *prima facie* in the outcome of the petition". After the amendment the candidates under clause (b) of Section 82 are not impleaded merely because they are necessary parties in an election petition in which a declaration is sought that the election of all or any of the candidate would be void, but are impleaded as parties because there are allegation of corrupt practices against them in the election petition. Where action is taken under Sections 90 an order under Section 98 of the Act dismissing the election petition or declaring the election of all or any of the returned candidates to be void and/or declaring the petitioner or any other candidate to have been duly elected, would delay the disposal of the election petition, because notice will have to be given to all the persons named under the proviso to sub-clause (ii) of clause (a) of sub-section (1) of Section 99. The provisions of Section 82(b) would avoid any such delay as they make it obligatory for a person filing an election petition when he makes an allegation of corrupt practice against any candidate to make him a party on pain of the petition being dismissed under Section 86(1) if he omits to do so."

It is interesting to see that although the Election Commission did not recommend what provisions of the Act should be amended, it nonetheless in its Report on the Third General Elections in India (1962) Volume 1 (General), after noticing the several causes of delay reported in its summary of recommendations under the heading 'Election Petitions' at p. 125 as under :

"(i) The objective of a quick decision of election disputes can only be achieved by placing the responsibility directly on the High Courts. Every election petition should be presented to the High Court of the State in which the election was held and tried by a permanent Judge on the rota for the trial of such petitions.

- (ii) Clause (1) of article 324 of the Constitution should be amended by omitting the words "including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with election to Parliament and to the Legislatures of States", simultaneously with the amendment of the election law providing for the trial of election petitions directly by the High Courts."

This summary supports the above observations in the judgment.

In *Charan Lal Sahu v. Nandkishore Bhatt and others*(16) it was held that there is no question of any common law right to challenge an election as such any discretion to condone the delay in presentation of the petition or to absolve the petitioner from payment of security for costs can only be provided under the statute governing election disputes. It was observed that if no discretion was conferred in respect of any of these matters, none can be exercised under any general law or on any principles of equity. If for non-compliance with the provisions of ss. 82 and 117 which are mandatory, the election petition has to be dismissed under s. 86(1) the presentation of election petition within the period prescribed in s. 81 would be equally mandatory, the non-compliance with which visits the penalty of the petition being dismissed. The answer to the plea that if the petition were to be dismissed, allegations of serious corrupt practices cannot be enquired into and the purity of the elections cannot be maintained is that given by Mitter J, in *Venkateswara Rao's*(13) case where he said at p. 689:

"That is however a matter which can be set right only by the Legislature. It is worthy of note that although the Act has been amended on several occasions, a provision like s. 86(1) as it now stands has always been on the statute book but whereas in the Act of 1951 the discretion was given to the Election Commission to entertain a petition beyond the period fixed if it was satisfied as to the cause for delay no such saving clause is to be found now. The legislature in its wisdom has made the observance of certain formalities and provisions obligatory and failure in that respect can only be visited with a dismissal of the petition."

Since the above decision in *Venkateswara Rao's* case(13) in August, 1968, though Parliament has made certain amendments in s. 8 of the Act in 1969, it has not considered it necessary till now to amend the Act to confer, on persons challenging an election benefits similar to those available to them under the proviso to the repealed s. 85 of the Act, for, as we venture to think, it did not want delays to occur in the disposal of election petition as in the past.

For all these reasons we have come to the conclusion that the provisions of s. 5 of the Limitation Act do not govern the filing of election petitions or their trial and, in this view, it is unnecessary to consider whether there are any merits in the application for condonation of delay.

The appeal as well as C.M.R. No. 7820 of 1973 are accordingly dismissed but in the circumstances without costs.

P. JAGANMOHAN REDDY, J.

December, 21, 1973.

S. N. DWIVEDI J.

P. K. GOSWAMI J.

[No. 82/BR/1/72.]

A. N. SEN, Secy.

विधि न्याय व कम्पनी कार्य मंत्रालय

(न्याय विभाग)

नोटिस

नई दिल्ली, 5 फरवरी, 1974

का. आ. 417.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना

(16) (1973) 2 S.C.C. 530.

की जाती है कि उक्त प्राधिकारी को श्री बी. पी. शुक्ला, एडवोकेट राजकुल हाल, राजकोट ने उक्त नियमों के नियम 4 के अधीन, राजकोट, भावनगर, जूनागढ़, जामनगर, सुरेन्द्रनगर, तथा अमरेली जिलों में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन-पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हो तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[सं. 22/61/73-न्याय]

कै. त्यागराजन, सक्षम प्राधिकारी और उप सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Justice)

New Delhi, the 5th February, 1974

S.O. 417.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri B. P. Shukla, Advocate Rugnath Building Opp. Town Hall, Rajkot for appointment as a Notary to practise in the Districts of Rajkot, Bhavnagar, Junagadh, Jamnagar, Surendranagar and Amreli with his headquarters at Rajkot.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/61/73-Jus.]

K. THYAGARAJAN, Competent Authority
and Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 6 फरवरी, 1974

का. आ. 418.—केंद्रीय औद्योगिक सुरक्षा बल (सेन्ट्रल इन्डस्ट्रियल सिक्यूरिटी फोर्स) अधिनियम, 1968 की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, श्री पी. एस. विजयारानिया को केंद्रीय औद्योगिक सुरक्षा बल बंलाविला आयरन और प्रोजेक्ट, डिपो 14 में पर्वत सहायक कमाण्डेंट के रूप में तत्काल नियुक्त करती है।

[संख्या ई. 17017/13/73-प्रशासन-1 (पर्स-1)]

पी. के. जी. काइमल, अवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th February, 1974

S.O. 418.—In exercise of the powers conferred by sub-section (1) of Section 4 of the C.I.S.F. Act, 1968, the Central Government appoints Shri P. S. Vijayarania as ex-officio Assistant Commandant/Central Industrial Security Force, Bailadila Iron Ore Project, Dep. 14, with immediate effect.

[No. E-17017/13/73-A. I/Pers. 1]

P. K. G. KAIMAL, Under Secy.

वित्त मंत्रालय
(राजस्व और बीमा विभाग)

आदेश

नई दिल्ली, 17 जुलाई, 1973

धन-कर

का० प्रा० 419.—धन कर प्रतिनियम, 1957 (1957 का 27) की धारा 12क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार नीचे दी गयी सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन अधिकारियों के रूप में नियुक्त करती है जिनके पदाभिधान उक्त सारणी के स्तम्भ (3) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट हैं :

सारणी

क्रम सं०	व्यक्तियों का नाम	पदाभिधान
1	2	3
1.	श्री डी० सी० गोयल	मूल्यांकन अधिकारी
2.	श्री बी० सी० चौधरी	यथोक्त
3.	श्री बी० डी० गोयल	यथोक्त
4.	श्री एम० राममूर्ति	यथोक्त
5.	श्री के० के० गुप्ता	यथोक्त
6.	श्री एच० एम० डे	यथोक्त
7.	श्री एम० आर० गंग	सहायक मूल्यांकन अधिकारी
8.	श्री आर० एम० मैथल	यथोक्त

[सं० 34/फा० सं० 328/118/72-धनकर (भाग 2)]

MINISTRY OF FINANCE
(Department of Revenue & Insurance)

ORDER

New Delhi, the 17th July, 1973

WEALTH-TAX

S. O. 419.—In exercise of the powers conferred by sub-section (1) of Section 12A of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designations specified in the corresponding entry in column (3) of the said Table.

TABLE

S. No.	Name of persons	Designation
1	2	3
1.	Shri D. C. Goel	Valuation Officer
2.	Shri B. G. Choudhry	-do-
3.	Shri B. D. Goel	-do-
4.	Shri S. Ramamurthy	-do-
5.	Shri K. K. Gupta	-do-
6.	Shri H. S. Dey	-do-
7.	Shri S. R. Garg	Assistant Valuation Officer
8.	Shri R. M. Maithal	-do-

[No. 34/F. No. 328/118/72-W.T. (Pt. II)]

शुद्धि पत्र

नई दिल्ली, 18 जुलाई, 1973

आय-कर

का० प्रा० 420.—वित्त मंत्रालय (राजस्व और बीमा विभाग) के आदेश सं० 30/फा० सं० 328/111/72-ध०क० तारीख 14 नवम्बर, 1972 में उससे संलग्न सारणी में क्रम सं० 2 के सामने की प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा :—

सारणी

1	2	3
2.	सहायक आय-कर आयुक्त असम, मेघालय, नागालैंड, मणिपुर (निरीक्षण), अर्जुन रेंज, और त्रिपुरा राज्य तथा मिजोरम शिल्लोंग।	असम, मेघालय, नागालैंड, मणिपुर और त्रिपुरा राज्य तथा मिजोरम और अरुणाचल प्रदेश के संघ राज्य-क्षेत्र।

[सं० 35/1973/फा० सं० 328/111/72-ध०क०]

CORRIGENDUM
New Delhi, the 18th July, 1973

INCOME-TAX

S. O. 420.—In the Ministry of Finance (Department of Revenue & Insurance) Order No. 30/F. No. 328/111/72-W.T. dated the 14th November, 1972 entries against S. No. 2 in the Table appended there to shall be substituted by the following :—

TABLE

1	2	3
2.	Inspecting Assistant Commissioner of Income-tax, Acquisition Range, Shillong.	States of Assam, Meghalaya, Nagaland, Manipur & Tripura and Union Territories of Mizoram and Arunachal Pradesh.

[No. 35/1973/F. No. 328/111/72-W.T.]

आदेश

नई दिल्ली, 6 अगस्त, 1973

का० प्रा० 421.—धन-कर प्रतिनियम, 1957 (1957 का 27) की धारा 12(क) की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, नीचे की सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन अधिकारियों के रूप में नियुक्त करती है, जिनके पदनाम उक्त सारणी के स्तम्भ (3) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट हैं :

सारणी

क्रम सं०	व्यक्तियों का नाम	पदनाम
1	2	3
1.	श्री बी० जी० खूबचन्दानी	ज़िला मूल्यांकन अधिकारी
2.	श्री एच० एम० डे	मूल्यांकन अधिकारी
3.	श्री सी० एम० करनाने	यथोक्त
4.	श्री बी० जी० पास्तिकर	यथोक्त
5.	श्री भगवान बाम	यथोक्त
6.	श्री एल० आर० मल्होत्रा	सहायक मूल्यांकन अधिकारी
7.	श्री ए० सी० मल्होत्रा	यथोक्त

[सं० 39/1973-फा० सं० 328/118/72-ध०क० (भाग 2)]

ORDER

New Delhi, the 6th August, 1973

S. O. 421.—In exercise of the powers conferred by sub-section (i) of section 12(A) of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designations specified in the corresponding entry in column (3) of the said Table :

TABLE

S. No.	Name of persons	Designation
1	2	3
1. Shri B.G. Khubchandani		District Valuation Officer
2. Shri H. S. Dey		Valuation Officer
3. Shri C. S. Karnaney		-do-
4. Shri B. G. Palsikar		-do-
5. Shri Bhagwan Das		-do-
6. Shri L. R. Malhotra		Assistant Valuation Officer
7. Shri A. C. Malhotra		-do-

[No. 39/1973-F. No. 328/118/72-W.T. (Pt. II)]

आदेश

नई दिल्ली, 28 अगस्त, 1973

क्र० प्रा० 422—घन-कर अधिनियम, 1957 (1957 का 27) की धारा 12क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्न सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन अधिकारी के रूप में नियुक्त करती है, जिनके पदाभिधान उक्त सारणी के स्तम्भ (3) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट है :

सारणी

क्र०सं०	व्यक्तियों का नाम	पदाभिधान
1	2	3
1. श्री एम० ए० हाफिज	प्रादेशिक मूल्यांकन अधिकारी	
2. श्री यू० जे० मथाई	जिला मूल्यांकन अधिकारी	
3. श्री एस० जी० खेड़ा	यथोक्त	
4. श्री बी० पी० गुप्ता	मूल्यांकन अधिकारी	
5. श्री एस० पी० शरोड़ा	यथोक्त	
6. श्री एच० के० सच्चदेव	यथोक्त	
7. श्री एस० सी० बालासुब्रह्मण्यम	यथोक्त	
8. श्री के० के० बरकतकी	यथोक्त	
9. श्री ओ० पी० शर्मा	यथोक्त	
10. श्री आर० आर० सिंह	यथोक्त	
11. श्री पी० के० बसु	यथोक्त	
12. श्री ए० सी० भाटिया	यथोक्त	
13. श्री सी० के० भास्करण	सहायक मूल्यांकन अधिकारी	
14. श्री जे० एस० आरविन्द	यथोक्त	
15. श्री जय कृष्ण	यथोक्त	
16. श्री आर० सी० खन्ना	यथोक्त	
17. श्री बी० एम० राव	यथोक्त	
18. श्री आर० गुण्डु राव	यथोक्त	

[सं० 42/फा० सं० 328/118/72-अ० (भाग 2)]

ORDER

New Delhi, the 28th August, 1973

S. O. 422.—In exercise of the powers conferred by sub-section (1) of Section 12A of the Wealth-tax Act, 1957 (27 of 1957) the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designations specified in corresponding entry in column (3) of the said Table :

TABLE

S. No.	Name of persons	Designation
1	2	3
1. Shri M. A. Hafees		Regional Valuation Officer
2. Shri U. J. Mathai		District Valuation Officer
3. Shri S. G. Vaidya		-do-
4. Shri B. P. Gupta		Valuation Officer
5. Shri S. P. Arora		-do-
6. Shri H. K. Sachdeva		-do-
7. Shri S. C. Balasubramanyam		-do-
8. Shri K. K. Barkataky		-do-
9. Shri O. P. Sharma		-do-
10. Shri R. R. Singh		-do-
11. Shri P. K. Basu		-do-
12. Shri A. C. Bhatia		-do-
13. Shri C. K. Bhaskaran		Assistant Valuation Officer
14. Shri J. S. Aditya		-do-
15. Shri Jai Krishan		-do-
16. Shri R. C. Khanna		-do-
17. Shri B. M. Rao		-do-
18. Shri R. Gundu Rao		-do-

[No. 42/F. No. 328/118/72-W.T. (Pt. II)]

आदेश

नई दिल्ली, 7 सितम्बर, 1973

क्र० प्रा० 423.—घन-कर अधिनियम, 1957 (1957 का 27) की धारा 12क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार नीचे की सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन अधिकारियों के रूप में नियुक्त करती है, जिनके पदाभिधान उक्त सारणी के स्तम्भ (3) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट है :

सारणी

क्रम सं०	व्यक्तियों का नाम	पदाभिधान
1	2	3
1. श्री डी० बी० चटर्जी	जिला मूल्यांकन अधिकारी	
2. श्री यू० बी० एम० श्यामी	यथोक्त	
3. श्री आर० ए० खिमानी	यथोक्त	
4. श्री पी० सी० माथुर	मूल्यांकन अधिकारी	
5. श्री डी० एन० शर्मा	सहायक मूल्यांकन अधिकारी	
6. श्री महेश चन्द	यथोक्त	
7. श्री टी० के० पुरस्वामी	यथोक्त	
8. श्री एच० यू० बन्धू	यथोक्त	

[सं० 46/फा० सं० 328/118/72-अ० (भाग 2)]

एस० बापू, अवर सचिव

ORDER

New Delhi the, 7th September, 1973

S. O. 423.—In exercise of the powers conferred by sub-section (1) of Section 12A of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designations specified in corresponding entry in column (3) of the said Table :

TABLE

S. No.	Name of persons	Designation
1	2	3
1. Shri D.B. Chatterjee		District Valuation Officer.
2. Shri U.V.S. Tyagi		-do-
3. Shri R.A. Khimani		-do-
4. Shri P.C. Mathur		Valuation Officer
5. Shri D.N. Thawani		Assistant Valuation Officer
6. Shri Mahesh Chand		-do-
7. Shri T.K. Purswami		-do-
8. Shri H.U. Bakhru		-do-

[No. 46/F. No. 328/118/72-W.T. (PT. II)]

S. BAPU, Under Secy.

आदेश

नई दिल्ली, 28 सितम्बर 1973

आयकर

का० प्रा० 424.—आयकर अधिनियम 1961 (1961 का 43) की धारा 269ख की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, और अपने आदेश सं० 4, तारीख 6 फरवरी, 1973 में आंशिक उपांतरण करते हुये, केन्द्रीय सरकार आदेश देती है कि तारीख 6 फरवरी, 1973 के पूर्वोक्त आदेश, से संलग्न सारणी में क्रम सं० 18(क) 18(ख), 19(क), और 19(ख) के सामने स्तम्भ (2) और (3) के अन्तर्गत की प्रविष्टियों को निम्नलिखित द्वारा प्रतिस्थापित किया जायेगा :—

सारणी

1	2	3
18(क) सहायक आयकर आयुक्त (निरीक्षण) अर्जन रेंज-1, मुम्बई	(1) मुम्बई जिला के सभी भू-कर सर्वेक्षण खंडों में समाविष्ट क्षेत्र।	(2) मुम्बई उपनगर जिला के अंधेरी तालुक का बांद्रा गांव।
	(3) मुम्बई उपनगर जिला के कुर्ला तालुक का कुर्ला गांव।	
18(ख) सहायक आयकर आयुक्त (निरीक्षण), अर्जन रेंज-2, मुम्बई।	(1) मुम्बई उपनगर जिला के अंधेरी तालुक के बंडा, जुमु और वाइल पार्ले गांव।	(2) मुम्बई उपनगर जिला के कुर्ला तालुक के चेम्बुर, मखली, वधावली, अनिक, देवनार, बोर्ला, ट्राम्बे, मन-खुर्द, मनवदूक, नामडले और महलू गांव।

1	2	3
19(क) सहायक आयकर आयुक्त (निरीक्षण), अर्जन रेंज-3, मुम्बई।	मुम्बई उपनगर जिला का बोरिवली तालुक।	
19(ख) सहायक आयकर आयुक्त (निरीक्षण), अर्जन रेंज-4, मुम्बई।	(1) मुम्बई उपनगर जिला के अंधेरी तालुक के, क्षेत्र-1 और क्षेत्र-2 को समनुवैशित से भिन्न, सभी गांव।	(2) मुम्बई उपनगर जिला के कुर्ला तालुक के, क्षेत्र-1 और क्षेत्र-2 को समनुवैशित से भिन्न, सभी गांव।

यह आदेश 1 अक्टूबर, 1973 से प्रवृत्त होगा।

[सं० 47/का० सं० 328/111/72-इन्क्यू टी]

ORDER

New Delhi, the 28th September, 1973.

INCOME-TAX

S. O. 424.—In exercise of the powers conferred by sub-section (1) of Section 269B of the Income-tax Act, 1961 (43 of 1961), and in partial modification of their Order No. 4 dated the 6th February, 1973, the Central Government hereby order that in Table appended to the aforesaid Order dated 6th February 1973, the entries under Columns (2) and (3) against Sl. Nos. 18(A), 18(B), 19(A), and 19(B) shall be substituted by the following :—

TABLE

1	2	3
18(A). Inspecting Assistant Commissioner of Income-tax Acquisition Range-I, Bombay.	(1) Areas comprised in all the Cadestral Survey Divisions of Bombay District.	(2) Bandra Village of Andheri Taluka of the Bombay Suburban District.
	(3) Kurla Village of Kurla Taluka of the Bombay Suburban District.	
18(B). Inspecting Assistant Commissioner of Income-tax, Acquisition Range-II, Bombay.	(1) Danda, Jhuhu and Vile Parle Villages of Andheri Taluka of the Bombay Suburban District.	(2) Chembur, Marvali, Wadha-vli, Anik, Deonar, Borla, Trombay, Mankhurd, Man-badruk, Nomdale and Mahool villages of Kurla Taluka of Bombay Suburban District.
19(A). Inspecting Assistant Commissioner of Income-tax, Acquisition Range-III, Bombay.	Borivli Taluka of the Bombay Suburban District.	
19(B). Inspecting Assistant Commissioner of Income-tax, Acquisition Range-IV, Bombay.	(1) All villages of Andher Taluka of Bombay Suburban District other than those assigned to Range-I and Range-II.	(2) All Villages of Kurla Taluka of Bombay Suburban District other than those assigned to Range-I and Range II.

This order shall come into force with effect from the 1st of October, 1973.

[No. 47/F. No. 328/111/72-W.T.]

आदेश

नई दिल्ली, 12 अक्तूबर, 1973

घन कर

का० आ० 425.—घन कर अधिनियम, 1957 (1957 का 27) की धारा 12क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्न सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन अधिकारियों के रूप में नियुक्ति करती है, जिनके पदाभिधान उक्त सारणी के स्तम्भ (3) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट है :—

सारणी

क्रम सं०	व्यक्तियों का नाम	पदाभिधान
(1)	(2)	(3)
	सर्व श्री	
1.	जे०एस०एल० गुप्ता	सहायक मूल्यांकन अधिकारी
2.	भार० सी० कटारिया	यथोक्त
3.	पी० सी० चक्रवर्ती	यथोक्त
4.	के० बी राव	यथोक्त
5.	एम० पी० माधुर	यथोक्त
6.	एल० आर० गुप्ता	यथोक्त
7.	एस० सी० गिह	यथोक्त
8.	सी० आर० पाल	मूल्यांकन अधिकारी
9.	डी० के० भौमिक	यथोक्त

[सं० 49/1973/का०स० 328/118/72-ध०क० (भाग 2)]

ORDER

New Delhi, the 12th October 1973

WEALTH-TAX

S. O. 425.—In exercise of the powers conferred by Sub-section (1) of Section 12A of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designation specified in the corresponding entry in column (3) of the said Table :—

TABLE

S. No.	Name of persons	Designation
1	2	3
	S/Shri	
1.	J.S.L. Gupta	Assistant Valuation Officer
2.	R.C. Katarya	-do-
3.	P.C. Chakarbarti	-do-
4.	K.V. Rao	-do-
5.	S.P. Mathur	-do-
6.	L.R. Gupta	-do-
7.	S.C. Singh	-do-
8.	C.R. Paul	Valuation Officer
9.	D.K. Bhownik	-do-

[No. 49/1973/F.No. 328/118/72-W.T.(Pt. II)]

आदेश

नई दिल्ली, 19 अक्तूबर, 1973

का०आ० 426.—घनकर अधिनियम, 1957 (1957 का 27) की धारा 12क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्न सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन

अधिकारियों के रूप में नियुक्ति करती है जिनके पदाभिधान उक्त सारणी के स्तम्भ (3) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट है :—

सारणी

क्र० सं०	व्यक्तियों का नाम	पदाभिधान
(1)	(2)	(3)
1.	सर्वश्री के० के० कपूर	सहायक मूल्यांकन अधिकारी
2.	„ एम० एम० बाजवर	यथोक्त
3.	„ एम० मुखर्जी	यथोक्त
4.	„ एच० बी० कृष्ण राव	यथोक्त
5.	„ बी० एस० नारायणस्वामी	यथोक्त
6.	„ टी० के० रामचन्द्रन	यथोक्त
7.	„ एम० जे० अग्रवाल	यथोक्त
8.	„ के० पी० अग्रवर	यथोक्त
9.	„ आर० सी० विमल	यथोक्त
10.	„ ए० रामास्वामी	यथोक्त
11.	„ जी० कुप्पुस्वामी	यथोक्त

[सं० 50/1973/वा०स० 328/118/72-ध०क० (भाग 2)]

ORDER

New Delhi, the 19th October, 1973

S.O. 426.—In exercise of the powers conferred by sub-section (1) of section 12A of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designation specified in the corresponding entry in column (3) of the said Table :

TABLE

S. No.	Name of persons	Designation
1	2	3
	S/Shri	
1.	K.K. Kapoor	Assistant Valuation Officer
2.	M.M. Bajpar	-do-
3.	S. Mukherjee	-do-
4.	H.B. Krishna Rao	-do-
5.	V.S. Narayanaswami	-do-
6.	T.K. Ramachandran	-do-
7.	M.J. Abraham	-do-
8.	K.P. Iyer	-do-
9.	R.C. Vimal	-do-
10.	A. Ramaswami	-do-
11.	G. Kuppaswami	-do-

[No. 50/1973/F. No. 328/118/72-W.T. (Pt. II)]

आदेश

नई दिल्ली, 27 अक्तूबर, 1973

का० आ० 427.—घन कर अधिनियम, 1957 (1957 का 27) की धारा 12(क) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्न सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन अधिकारियों के रूप में नियुक्ति करती है, जिनके पदाभिधान उक्त सारणी के स्तम्भ (3) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट है;

सारणी

क्रम सं०	व्यक्तियों का नाम	पदाभिधान
(1)	(2)	(3)
1	श्री राधे लाल	मूल्यांकन अधिकारी
2.	„ वी० वेंकटद्री	यथोक्त
3.	„ ई० बी० जोशी	यथोक्त
4	„ एम० पी० गनु	सहायक मूल्यांकन अधिकारी
5	„ के० सी० चन्दवानी	यथोक्त
6.	„ बी० एम० चिबुड	यथोक्त
7.	„ बागवान ममनानी	यथोक्त
8.	„ के० एल० अग्रमानी	यथोक्त
9.	„ के० एल० गुप्ता	यथोक्त
10.	„ के० बी० श्रीधरण	यथोक्त
11.	„ एच० अन्तरागण	यथोक्त
12.	„ के० पी० उदालानी	यथोक्त
13.	„ एन० एला० रेड्डी	यथोक्त
14.	„ के० पी० रवीन्द्रन	यथोक्त
15.	„ पी० एन० आनन्द	यथोक्त
16.	„ एम० के० बोस	यथोक्त
17.	„ एम० के० चक्रवर्ती	यथोक्त

[सं० 52/1973-फा० सं० 328/118/72-उदन्मू० टी० (भाग 2)]

ORDER

New Delhi, the 27th October, 1973

S. O. 427.—In exercise of the powers conferred by sub-section (i) of section 12(A) of the Wealth tax Act, 1957 (27 of 1957), the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designation specified in the corresponding entry in column (3) of the said Table.

TABLE

S. No.	Name of persons	Designation
1	2	3
	S/Shri	
1.	Radhey Lal	Valuation Officer
2.	V. Venkatadri	-do-
3.	D.V. Joshi	-do-
4.	S.P. Ganu	Assistant Valuation Officer
5.	K.C. Chandwani	-do-
6.	B.S. Chichra	-do-
7.	Bagwan Mamtani	-do-
8.	K.L. Ajmani	-do-
9.	R.L. Gupta	-do-
10.	K.V. Sreedharan	-do-
11.	H. Anantharaman	-do-
12.	K.P. Dadlani	-do-
13.	N. Eila Reddy	-do-
14.	K.P. Ravindran	-do-
15.	P.N. Anand	-do-
16.	S.K. Bose	-do-
17.	S.K. Chakravarty	-do-

[No. 52/1973—F. No. 328/118/72-W.T. (Pt. II)]

आदेश

नई दिल्ली, 14 नवम्बर, 1973

फा० सं० 428.—धन-कर अधिनियम, 1957 (1957 का 27) की धारा 12क की उपधारा (i) द्वारा प्ररूप शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार नीचे की सारणी के स्तम्भ (2) में विनिर्दिष्ट व्यक्तियों को मूल्यांकन अधिकारियों के रूप में नियुक्त करती है, जिनके पदनाम उक्त सारणी के स्तम्भ (3) में तत्स्थानीय अधिविष्ट में विनिर्दिष्ट किये गये हैं :—

सारणी

क्रम सं०	व्यक्तियों का नाम	पदनाम
(1)	(2)	(3)
1.	श्री एम० सी० गायल	मूल्यांकन अधिकारी
2.	श्री आर० एम० त्रिपाठी	सहायक मूल्यांकन अधिकारी
3.	श्री एम० एल० चवला	यथोक्त
4.	श्री के० जीवन राव	यथोक्त
5.	श्री एम० एच० टेकचन्दानी	यथोक्त
6.	श्री एन० वेम्बु	जिला मूल्यांकन अधिकारी

[सं० 53/फा० सं० 318/118/72 ध० क० (पी० टी० 2)]

ORDER

New Delhi, the 14th November, 1973

S. O. 428.—In exercise of the powers conferred by sub-section (i) of section 12A of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints the persons specified in column (2) of the Table below as Valuation Officers with the designations specified in the corresponding entry in column (3) of the said Table :—

TABLE

S. No.	Name of the persons	Designation
1	2	3
1.	Shri S.C. Goyal	Valuation Officer
2.	Shri R.S. Tripathy	Assistant Valuation Officer
3.	Shri M.L. Chandna	-do-
4.	Shri K. Jeevana Rao	-do-
5.	Shri M.H. Techkchandani	-do-
6.	Shri N. Vembu	District Valuation Officer

[No. 53/F. No. 318/118/72-W.T. (P II)]

आदेश (रद्दकरण)

नई दिल्ली, 10 दिसम्बर, 1973

फा० सं० 429.—श्री हरि शंकर श्रीधरान्वय जिन्हें फा० सं० 328/63/73-घ० क० तारीख 6 दिसम्बर, 1973 में के आदेश संख्या 43 द्वारा धन-कर अधिनियम, 1957 की धारा 12क के अर्थात् शेयरों के लिए मूल्यांकन अधिकारी के रूप में नियुक्त किया गया था को नियुक्ति रद्द की जाती है।

[सं० 61/फा० सं० 328/63/73-घ० क०]

ORDFR (CANCELLATION)

New Delhi, the 10th December, 1973

S. O. 429.—The appointment of Shri Hari Shankar Srivastava who was appointed as Valuation Officer for shares under section 12A of the Wealth Tax Act, 1957 by order No. 43 in F. No. 328/63/73-W.T. dated 6th September, 1973 is hereby cancelled.

[No. 61/F. No. 328/63/73-W.T.]

प्रादेश

का. आ. 430.—केन्द्रीय सरकार धन-कर अधिनियम, 1957 (1957 का 27) की धारा 12क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित व्यक्ति को मूल्यांकन अधिकारी के रूप में नियुक्त करती है, प्रस्ताव :—

क्र.सं०	व्यक्ति का नाम
1.	श्री यू० पी० सिंह

[सं० 65/फा०सं० 328/63/73-इक्यु०टी० (खान तथा खदान)]

बी० डी० वखारकर, अवर सचिव

ORDER

S.O. 430.—In exercise of the powers conferred by sub-section (1) of Section 12A of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints the following person as Valuation Officer, namely :—

S. No.	Name of the person
1.	Shri U. P. Singh.

[No. 65/F. No. 328/63/73-W.T. (Mines & Quarries)]

V. D. WAKHARKAR, Under Secy.

नई दिल्ली, 3 जनवरी, 1974

आय-कर

का. आ. 431.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री एम. एन. बिश्वास को जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर घसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना तुरन्त प्रवृत्त होगी।

[सं. 535(फा. सं. 404/166/73-आई टी सी सी)]

एम. एन. नम्बियार, अवर सचिव

New Delhi, the 3rd January, 1974

INCOME TAX

S.O. 431.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri M. N. Biswas who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with immediate effect.

[No. 535 (F. No. 404/166/73-ITCC)]

M. N. NAMBIAR, Under Secy

नई दिल्ली, 7 जनवरी, 1974

आय-कर

का. आ. 432.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्न वर्णित संस्था को, वैज्ञानिक और औद्योगिक अनुसंधान परिषद्, विहित प्राधिकारी द्वारा

आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के प्रयोजनों के लिए अनुमोदित किया गया है। यह अधिसूचना 1 अप्रैल, 1973 से प्रभावी है।

संस्था

मैसर्स जयन्त इण्डस्ट्रियल एण्ड साइन्टिफिक रिसर्च प्राइवेट लिमिटेड, मुम्बई।

[सं. 539 (फ. सं. 203/36/73-आई टी ए 2)]

एम. के. पाण्डे, अवर सचिव

New Delhi, the 7th January, 1974

INCOME TAX

S.O. 432.—It is hereby notified for general information that the institution mentioned below has been approved by Council of Scientific and Industrial Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961. This is effective from 1st April, 1973.

INSTITUTION

M/s. JAYANT INDUSTRIAL AND SCIENTIFIC RESEARCH PVT. LTD., BOMBAY.

[No. 539 (F. No. 203/36/73-ITA. II)]

M. K. PANDEY, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 25 जुलाई, 1973

सम्पदा-शुल्क

का. आ. 433.—सम्पदा-शुल्क अधिनियम, 1953 (1953 का 34) की धारा 4 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और समय समय पर यथा संशोधित अपनी अधिसूचना सं० 3 (फा० सं० 301/39/70-ई०टी०) तारीख 31 मार्च, 1970 का आंशिक उपान्तरण करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड यह निवेदन देता है कि प्रत्येक आयकर अधिकारी, जो सहायक नियंत्रक के रूप में नियुक्त किया गया हो और नीचे दी गयी अनुसूची के स्तम्भ 2 में उल्लिखित रूप में सम्पदा-शुल्क-एवं-आयकर सफिल में सहायक सम्पदा-शुल्क नियंत्रक और अपर सहायक सम्पदा-शुल्क नियंत्रक के रूप में सेनात किया गया हो, उन सभी मृत व्यक्तियों की सम्पदा की बाबत, जो अपनी मृत्यु से ठीक पूर्व, यदि उन्होंने किसी भी आय-कर सफिल में, जिसका मुख्यालय (i) दिल्ली के संघ राज्य क्षेत्र के राजस्व जिले में हो, करार्थम आय व्युत्पन्न की होती तो आयकर के लिए निर्धारित किये जा रहे थे या किये जाने, अन्य सभी सहायक नियंत्रकों को छोड़कर उक्त अनुसूची के स्तम्भ 3 में उल्लिखित कृत्यों का पालन करेगा।

अनुसूची

1	2	3
1.	सहायक सम्पदा-शुल्क नियंत्रक प्रत्येक उस मृत व्यक्ति, जिसका नाम सम्पदा शुल्क-एवं-आयकर सफिल, दिल्ली।	वर्णमाना के 'क' से 'ठ' तक के (दोनों को सम्मिलित करते हुए) अवधियों से आरम्भ होता है, की सम्पदा की बाबत सहायक नियंत्रक के रूप में कृत्य।

1	2	3
2.	अपर सहायक सम्पदा-शुल्क नियंत्रक सम्पदा-शुल्क-गर्व-आय-कर सक्षम, दिल्ली।	वर्णमाला के 'इ' से 'य' तक के (दोनों को सम्मिलित करने हुए) अक्षरों से प्रारंभ होता है, की सम्पदा की बाबत सहायक नियंत्रक के रूप में कृत्य।

टिप्पण : वर्णमाला का अक्षर पता लगाने के प्रयोजन के लिए कुलनाम देखा जाएगा। यदि मृतक किसी कुलनाम का प्रयोग नहीं करता तो उसका वैयक्तिक नाम देखा जाएगा।

यह अधिसूचना 6 अगस्त, 1973 में प्रभावी होगी।

[सं० 36/का०सं० 301/63/73-ई०डी०]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 25th July, 1973

Estate Duty

S. O. 433.—In exercise of the powers conferred by sub-section (2) of section (4) of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 3 (F. No. 301/39/70-E.D.) dated 31st March, 1970, as amended from time to time, the Central Board of Direct Taxes hereby directs that the every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle as Assistant Controller of Estate Duty & Additional Assistant Controller of Estate Duty mentioned in column 2 of the Schedule given herein below shall perform the functions as mentioned in column 3 of the said Schedule to the exclusion of all other assistant Controllers in respect of the estate of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle, the head-quarters of which lies within the revenue districts of :—

(i) Union territory of Delhi.

SCHEDULE

1	2	3
1.	Assistant Controller of Estate Duty, Estate Duty-cum-Income-tax Circle, Delhi.	Functions as Assistant Controller in respect of estate of every deceased persons whose name starts with the letters 'A' to 'L' (both inclusive) of the alphabet.
2.	Additional Assistant Controller of Estate Duty, Estate Duty-cum-Income-tax Circle, Delhi.	Functions as Assistant Controller in respect of estate of every deceased person whose name starts with the letters 'M' to 'Z' (both inclusive) of the alphabet.

NOTE : For the purpose of finding out the letter of the alphabet; the surname shall be seen. In case the deceased did not use any surname, the personal name shall be seen.

This notification shall take effect from 6th August, 1973.

[No. 36/F. No. 301/63/73-E.D.]

सूचि पत्र

नई दिल्ली, 2 अगस्त, 1973

का. भा. 434.—केंद्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं० 31/1973/का०सं० 301/90/72/सं० शु०, तारीख 26 जून, 1973

में, उससे संलग्न सारणी में, क्रम सं० 27 के सामने की प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा —

सारणी

1	2	3
27.	एर्नाकुलम	एर्नाकुलम और कालीकट

[सं० 37/1973/का०सं० 301/90/72-सं०शु०]

CORRIGENDUM

New Delhi, the 2nd August, 1973

S. O. 434.—In the Central Board of Direct Taxes Notification No. 31/1973/F. No. 301/90/72-E.D. dated the 26th June, 1973 entries against S. No. 27 in the Table appended thereto shall be substituted by the following :—

TABLE

1	2	3
27.	Ernakulam	Ernakulam and Calicut.

[No. 37/1973/F. No. 301/90/72-E.D.]

(राजस्व और बीमा विभाग)

सूचि पत्र

का. भा. 435.—केंद्रीय सरकार की अधिसूचना सं० 32/1973/का० सं० 301/90/72-सं० शु०, तारीख 26 जून, 1973 में, उससे संलग्न सारणी में, क्रम सं० 20 के सामने की प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा।

सारणी

1	2	3
20.	ग-रेंज, कानपुर	कानपुर

[सं० 38/1973-का०सं० 301/90/73-सं० शु०]

एस० बापू, अवर सचिव

(Department of Revenue and Insurance.)

CORRIGENDUM

S. O. 435.—In the Central Government Notification No. 32/1973/F. No. 301/90/72-ED. dated the 26th June, 1973 entries against S. No. 20 in the Table appended thereto shall be substituted by the following :—

TABLE

1	2	3
20.	C-Range, Kanpur	Kanpur

[No. 38/1973 F. No. 301/90/73-E.D.]

[S. BAPU, Under Secy.

आदेश

नई दिल्ली, 10 दिसम्बर, 1973

का. भा. 436.—केंद्रीय प्रत्यक्ष-कर बोर्ड, धन-कर नियम 1957 के नियम 3क के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देता है कि इसमें उपाबद्ध सारणी के स्तम्भ (2) में विनिर्दिष्ट मूल्यांकनवि अधिकारी सारणी के स्तम्भ (3) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट आय-कर आयुक्त की अधिकारिता के भीतर के क्षेत्रों में,

खानों और खदानों की बाबत मूल्यांकन अधिकारी के कृत्यों का पालन करेगा।

सारणी

क्रम सं०	मूल्यांकन अधिकारी	आय-कर आयुक्त
1.	मूल्यांकन अधिकारी (खानों और खदानों)	बिहार

[सं० 60/फा० सं० 328/63/73-ध०क०]

ORDER

New Delhi, the 10th December, 1973

S.O. 438.—In exercise of the powers conferred by sub-rule (2) of Rule 3A of the Wealth-tax Rules, 1957, the Central Board of Direct Taxes hereby directs that the Valuation Officer specified in column (2) of the Table appended here to shall perform the functions of a Valuation Officer in respect of Mines & Quarries in the areas within the jurisdiction of the Commissioner of Income-tax specified in the corresponding entry in column (3) of the Table.

TABLE

S. No.	Valuation Officer	Commissioner of Income-tax
1.	Valuation Officer (Mines and Quarries).	Bihar

[No. 60/F. No. 328/63/73-W.T.]

आदेश

का. आ. 437.—इस आदेश से संलग्न सारणी के स्तम्भ 2 में विनिर्दिष्ट व्यक्तियों को, जिन्हें धनकर अधिनियम 1957 की धारा 12क के अधीन मूल्यांकन अधिकारी के रूप में नियुक्त किया गया है उसी सारणी के स्तम्भ 3 में विनिर्दिष्ट स्थानों पर मूल्यांकन अधिकारी (शेयरस) के रूप में नियुक्त किया गया है।

सारणी

क्रम सं०	व्यक्तियों का नाम	स्थान
1.	श्री एन० वेन्कटरामन	हैदराबाद
2.	श्री श्री०पी० गुप्ता	दिल्ली

[सं० 62/फा० सं० 328/63/73-इन्स्यू०टी०]

ORDER

S.O. 437.—The persons specified in column 2 of the Table appended to this order who have been appointed as Valuation Officers under section 12A of the Wealth-tax Act, 1957 are posted as Valuation Officer (Shares) at places specified in column 3 of the said Table.

TABLE

S. No.	Name of the persons	Place
1.	Shri S. Venkataraman	Hyderabad
2.	Shri O.P. Gupta	Delhi

[No. 62/F. No. 328/63/73-W.T.]

आदेश

का. आ. 438.—केन्द्रीय प्रत्यक्ष कर बोर्ड धन-कर नियम 1957 के नियम 3क के उपनियम (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए, विदेश देता है कि इसमें उपाबद्ध सारणी के स्तम्भ (2) में विनिर्दिष्ट हर मूल्यांकन अधिकारी सारणी के स्तम्भ (3) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट आय-कर आयुक्त की अधिकारिता के भीतर के क्षेत्रों में,

- कम्पनियों के उनके रजिस्ट्रीकृत कार्यालयों सहित स्टॉक शेयरों डिबेन्चरों और प्रतिभूतियों;
- भागीदारी फर्मों में, उनके मुख्य कार्यालयों सहित शेयरों;
- खण्ड (i) में वर्णित अवस्थित प्रतिभूतियों से भिन्न प्रतिभूतियों; और
- चनाव, गण, कारबार की कारबार-आस्तियों, की बाबत मूल्यांकन अधिकारी के कृत्यों का पालन करेगा।

स्पष्टीकरण : इस आदेश में "कारबार आस्तियों" में सुनाम भी सम्मिलित है, किन्तु इसमें व्यावर सम्पत्ति, कृषि भूमि, बागान, कला-संकर्म और जीवन हित, अन्तराधोग और प्रत्याशा में हित नहीं आते हैं।

सारणी

क्रम सं०	मूल्यांकन अधिकारी	आय-कर आयुक्त
1.	मूल्यांकन अधिकारी (शेयर) आन्ध्र प्रदेश	आन्ध्र प्रदेश
2.	मूल्यांकन अधिकारी (शेयर) दिल्ली	नई दिल्ली-1 में 3 तक।

[सं० 64/फा० सं० 328/63/73-ध०क०]

ORDER

S.O. 438.—In exercise of the powers conferred by sub-rule (2) of Rule 3A of the Wealth-tax Rules, 1957, the Central Board of Direct Taxes hereby directs that every Valuation Officer specified in column (2) of the Table appended hereto shall perform the functions of a Valuation Officer in respect of :—

- stocks, shares, debentures and securities of companies with their registered offices;
- shares in partnership firms with their head offices;
- securities, other than those mentioned in clause (i), and situated, and
- business assets of business carried on,

in the areas within the jurisdiction of the Commissioners of Income-tax specified in the corresponding entry in column (3) of the Table.

Explanation : In this Order "business assets" includes goodwill but does not include immovable property, agricultural lands, plantations, forests, mines and quarries, machinery and plant, jewellery works of arts and life interest, reversion and interest in expectancy.

TABLE

S. No.	Valuation Officer	Commissioner of Income-tax
1.	Valuation Officer (Shares) Andhra Pradesh	Andhra Pradesh
2.	Valuation Officer (Shares) Delhi	New Delhi-I to III

[No. 64/F. No. 328/63/73-W.T.]

आदेश

आय-कर

का. आ. 439.—इस आदेश से संलग्न सारणी के स्तम्भ 2 में विनिर्दिष्ट व्यक्ति को जिसे धनकर अधिनियम 1957 की धारा 12क के अधीन मूल्यांकन अधिकारी के रूप में नियुक्त किया गया है उक्त सारणी के स्तम्भ 3 में विनिर्दिष्ट स्थान पर मूल्यांकन अधिकारी (खान तथा खदान) के रूप में नियुक्त किया गया है।

सारणी

क्र.सं०	व्यक्ति का नाम	स्थान
1.	श्री यू. पी. सिंह	जमशेदपुर

[सं. 66/का.सं. 328/63/73-इ.सू.टी.]

ORDER

S. O. 439.—The persons specified in column 2 of the Table appended to this order who has been appointed as Valuation Officer under Section 12A of the Wealth-Tax Act, 1957 is Posted as Valuation Officer (Mines & Quarries) at the place specified in column 3 of the said Table.

TABLE

S. No.	Name of the person	Place
1.	Shri U.P. Singh	Jamshedpur

[No. 66/F. No. 328/63/73-W.T.]

आदेश

का. आ. 440.—इस आदेश से संलग्न सारणी के स्तम्भ 2 में विनिर्दिष्ट व्यक्ति को जिसे धनकर अधिनियम 1957 की धारा 12क के अधीन मूल्यांकन अधिकारी के रूप में नियुक्त किया गया है उक्त सारणी के स्तम्भ 3 में विनिर्दिष्ट स्थान पर मूल्यांकन अधिकारी (प्लांट और कमीशनरी) के रूप में नियुक्त किया गया है।

सारणी

क्र.सं०	व्यक्ति का नाम	स्थान
1.	श्री जे. एम. मेहरा	मुम्बई

[सं. 67/का.सं. 328/63/73-इ.सू.टी.]

बी. डी. वाखारकर, अवर सचिव

ORDER

S. O. 440.—The person specified in column 2 of the Table appended to this order who has been appointed as Valuation Officer under Section 12A of the Wealth-tax Act, 1957 is posted as Valuation Officer (Plant & Machinery) at the place specified in column 3 of the said Table.

TABLE

S. No.	Name of the person	Place
1.	Shri J.M. Mehra	Bombay

[No. 67/F. No. 328/63/73-W.T.]

V. D. WAKHARKAR, Under Secy.

नई दिल्ली, 2 जनवरी, 1974

का. आ. 441.—केंद्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 211 की उपधारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस उपधारा के खंड (1) के अन्तर्गत आने वाले और भारत में काफी उगाने का व्यापार करने वाले सभी निधिरितियों को, दिसम्बर के पन्द्रहवें दिन की बजाए, वित्तीय वर्ष के दौरान मार्च के 15 वें दिन को अधिम-कर की अन्तिम किस्त देने के लिये प्राधिकृत करता है।

[सं. 533(फा. सं. 400/49/73-आई टी सी सी)]

एम. एन. नम्बियार, अवर सचिव

New Delhi, the 2nd January, 1974

INCOME TAX

S.O. 441.—In exercise of the powers conferred by the proviso to sub-section (1) of Section 211 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby authorises all assessee falling under clause (i) of that sub-section and who carry on business of growing coffee in India, to pay the last instalment of advance-tax on the 15th day of March during a financial year, instead of on the 15th day of December.

[No. 533(F. No. 400/49/73-ITCC)]

M. N. NAMBIAR, Under Secy.

(बैंकिंग विभाग)

नई दिल्ली, 21 जनवरी, 1974

का. आ. 442.—केंद्रीय सरकार, राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में, भारत के रिजर्व बैंक से परामर्श करके, श्री बी. एन. अदार्कर को, जिसे 21 जनवरी, 1974 से सेंट्रल बैंक आफ इंडिया का प्रबन्ध निदेशक पुनः नियुक्त किया गया है, उसी तारीख से सेंट्रल बैंक आफ इंडिया के निदेश बोर्ड का प्रबन्ध निदेशक नियुक्त करती है।

[सं. फा. 9/1/74-बी. ओ. 1-2]

Department of Banking

New Delhi, the 21st January, 1974

S.O. 442.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri B. N. Adarkar who has been re-appointed as Managing Director of Central Bank of India with effect from 21st January, 1974, to be the Chairman of the Board of Directors of Central Bank of India with effect from the same date.

[No. F. 9/1/74-BO-I-2]

का. आ. 443.—केंद्रीय सरकार, राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, 21 जनवरी, 1974 से प्रारम्भ होने वाली और 31 जनवरी, 1974 को समाप्त होने वाली अवधि के लिए श्री बी. एन. अदार्कर को, सेंट्रल बैंक आफ इंडिया का प्रबन्ध निदेशक नियुक्त करती है।

[सं. फा. 9/1/74-बी. ओ. 1-1]

एन. सी. सैन गुप्ता, सचिव

S.O. 443.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby re-appoints Shri B. N. Adarkar as the Managing Director of Central Bank of India for the period commencing on 21st January, 1974 and ending with 31st January, 1974.

[No. F. 9/1/74-BO. I-1]

N. C. SEN GUPTA, Secy.

(आर्थिक कार्य विभाग)

नयी दिल्ली, 24 जनवरी, 1974

का० प्रा०. 444.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति ने राष्ट्रीय बचत संगठन (प्रथम श्रेणी और द्वितीय श्रेणी के पद) भर्ती नियमावली 1963 में और आगे संशोधन करते हुए एतद्वारा निम्नलिखित नियम बनाये हैं अर्थात्:—

1. (1) इन नियमों को राष्ट्रीय बचत संगठन (प्रथम श्रेणी और द्वितीय श्रेणी के पद) (भर्ती संशोधन) नियमावली 1974 कहा जाय।

(2) ये नियम सरकारी राजपत्र में प्रकाशित होने की तारीख से लागू होंगे।

2. राष्ट्रीय बचत संगठन (प्रथम श्रेणी और द्वितीय श्रेणी के पद) भर्ती नियमावली 1963 (जिन्हें इसके बाद उक्त नियमावली कहा जायेगा) में नियम 6 के स्थान पर निम्नलिखित नियम रखा जायेगा अर्थात्:—

6. अनर्हता—ऐसा कोई भी व्यक्ति

(क) जिसने किसी ऐसे से विवाह किया हो या करने का करार किया हो जिसका पति/पत्नी जीवित हो अथवा

(ख) जिसने एक पति/पत्नी के जीवित रहते हुए किसी अन्य से विवाह किया हो या करने का करार किया हो उपर्युक्त पदों में से किसी पद पर नियुक्ति का पात्र नहीं होगा:

बशर्ते केन्द्रीय सरकार इस बात से मनुष्य हो कि ऐसे विवाह की उम्र व्यक्ति और विवाह के दूसरे पक्ष पर लागू निजी कानून के अधीन इजाजत है और ऐसा विवाह करने के लिए अन्य आधार है तो केन्द्रीय सरकार किसी व्यक्ति को इस नियम से छूट दे सकती है।

3. उक्त नियमावली से संलग्न अनुसूची में क्रम संख्या 1 और उससे सम्बद्ध प्रवृत्तियों के बदले यह लिखा जायेगा अर्थात्:

1	2	3	4	5	6	7
राष्ट्रीय बचन आयुक्त	1	सामान्य केन्द्रीय सेवा प्रथम श्रेणी राजपत्रित	1800-100-2000-125/2-2250 रु०	लागू नहीं होता	50 वर्ष (सरकारी कर्म-चारियों के लिए छूट दी जा सकती है)।	अनिवार्य : (i) मान्यता प्राप्त विश्वविद्यालय की द्वितीय श्रेणी में पास एम० ए० की डिग्री। (ii) किसी बड़े वाणिज्यिक अथवा सरकारी संगठन के नियंत्रण का लगभग 15 वर्ष का अनुभव और/अथवा जनसम्पर्क कार्य और बिक्री आयोजन का अनुभव। वांछनीय : (i) बैंकिंग और/अथवा बीमा संबंधी अनुभव। (ii) प्रचार कार्य का अनुभव।
8	9	10	11	12		
लागू नहीं होता	पदोन्नति/तबादला/प्रतिनियुक्ति (अल्प कालीन करार सहित) संघ लोक सेवा आयोग के साथ परामर्श करके चुनाव किया जाएगा; ऐसा न होने की स्थिति में प्रत्यक्ष भर्ती द्वारा।	पदोन्नति/तबादला/प्रतिनियुक्ति (अल्पकालीन करार सहित) इस पद के अनुरूप केन्द्रीय सरकार/राज्य सरकारों के अधीन पदाधिकारी अथवा भारतीय प्रशासनिक सेवा/प्रथम श्रेणी की केन्द्रीय सेवाओं के ऐसे अधिकारी जिनकी सेवा की अवधि कम से कम 14 वर्ष हो और जीवन बीमा निगम के ऐसे अधिकारी जिनके पद उपर्युक्त पदों के समान हों; इस पद के लिए विभागीय संयुक्त राष्ट्रीय सेवा आयुक्त/क्षेत्रीय आयुक्त के नामों पर भी विचार किया जाएगा जिन्होंने इन पदों पर नियुक्ति के बाद नियमित आधार पर तीन वर्ष की सेवा पूरी कर ली हो और नियुक्ति के लिए किसी विभागीय उम्मीदवार के चुने जाने की सूचना में इस पद को पदोन्नति द्वारा भरा मान लिया जायेगा (प्रतिनियुक्ति/करार की अवधि प्रायः 5 वर्ष से अधिक नहीं होगी)।	लागू नहीं होता	जैसा संघ लोक सेवा आयोग (परामर्श से छूट) विनियमावली 1958 के अधीन अपेक्षित है।		

(Department of Economic Affairs)

New Delhi, the 24th, January, 1974

S.O.444.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the National Savings Organisation (Class I and Class II posts) Recruitment Rules, 1963, namely:—

1. (1) These rules may be called the National Savings Organisation (Class I and Class II Posts) Recruitment (Amendment) Rules, 1974.

(2) They shall come into force on the date of the publication in the Official Gazette.

2. In the National Savings Organisation (Class I and Class II Posts) Recruitment Rules, 1963 (here in after referred to as

the said rules), for rule 6, the following rule shall be substituted, namely:—

"6. Disqualification.—No person—

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said posts;

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule."

3. In the Schedule annexed to the said rules, for serial No.1 and the entries relating thereto, the following shall be substituted, namely:—

1	2	3	4	5	6	7
National Savings Commissioner.	I	General Central Service Class I Gazetted.	Rs.1800-100-2000-125/2-2250.	Not Applicable	50 years (Relaxable for Government servants).	Essential : (i) Second Class Master's degree of a recognised University. (ii) About 15-years experience in controlling large Commercial or Government Organisation and/or Experience of public relations work and sales Organisation. Desirable : (i) Experience in Banking and/or Insurance. (ii) Experience of publicity work.
8	9	10	11	12		
Not applicable.	By promotion/transfer/deputation (including short-term contract) selection being made in consultation with the Union Public Service Commission; failing which by direct recruitment.	Promotion/transfer/deputation (including short-term contract) Officers under the Central Government/-State Governments holding analogous posts or Officers of the Indian Administrative Service/Central Services class I, with at least 14 years service as such, or officers of the Life Insurance Corporation holding posts equivalent to those mentioned above. The departmental Joint National Savings Commissioner/Zonal Commissioner with 3 years service rendered after appointment thereto on a regular basis shall also be considered and in case a departmental candidate is selected for appointment, the post shall be treated to have been filled by promotion. (Period of deputation/ contract ordinarily not exceeding 5 years.)	Not applicable	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.		

समाहर्ता कार्यालय-केन्द्रीय उत्पाद शुल्क

विनांक 20-7-1972 की अधिसूचना सं. 1/72 का संशोधन

गुन्टूर, 4 दिसम्बर, 1973

का. आ. 445.—इस अधिसूचना के प्रकरण 2 में निम्नलिखित शब्द और जोड़ दिए जाएं ।

“वाष्प द्वारा सिक्काई गई तम्बाकू” के बाद, “और वायु द्वारा सिक्काई गई विरजीनिया तम्बाकू” जोड़ दिए जाएं ।

“साक्ष्यकित”

(वी. के. अष्ठाना)

उप-समाहर्ता

[सी. संख्या की/4/30/67/73-यू.-4]

ए. एस. आर्ह. जाफर, समाहर्ता

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE

Addendum to Notification No. 1/72,

Dated 20-7-1972

Guntur, 4th December, 1973

S.O. 445.—The following may be inserted in para 2 of the Notification.

The words “and Virginia air-cured tobacco” may be added after the words, “flue-cured tobacco”.

“Attested”

(V. K. Asthana)

Dy. collector.

[C. No. V/4/30/67/73 U.4.]

A. S. I. JAFFAR, Collector

केंद्रीय उत्पाद शुल्क समाहर्तालय, कानपुर

कानपुर, 22 दिसम्बर, 1973

का. आ. 443.—नियम 173-जी के उप नियम (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्द्वारा बाल तथा रोलिंग बियरिंग (टैरिफ मद संख्या 49-कै.उ.शु. टैरिफ) के बारे में निम्नलिखित कच्ची सामग्री निर्धारित करता हूँ :—

“रोलिंग बियरिंग अर्थात्

सब प्रकार के बाल या

रोलर बियरिंग

स्टील/ब्रास, स्टील बाल ।

नीडल बियरिंग

नीडल या बियरिंग कैप”

[अधिसूचना 11/73-पत्र सं. 5(49)(8)580-प्रावि./73/43]

अपठनीय, समाहर्ता

CENTRAL EXCISE COLLECTORATE : KANPUR

Kanpur, the 22nd December, 1973

S.O. 446.—In exercise of the powers conferred on me by sub-rule (4) of Rule 173-G, I hereby prescribe the following raw material in respect of Ball and Rolling Bearing (Tariff Item No. 49 Central Excise Tariff):—

“Rolling bearings, that is to say ball or roller bearing, all sorts”...

Steel/Brass, Steel Balls.

Needle bearings...

Needles or bearings caps.

[Notification No. 11/73—C. No. V(49)(8)580-Tech/73/43]

J. DATTA, Collector

विदेश मंत्रालय

नई दिल्ली, 31 दिसम्बर, 1973

का. आ. 447.—राजनीयक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 के खंड-2 की धारा (क) के अनुसार, केंद्रीय सरकार एतद्द्वारा डोहा (कतार) स्थित भारत के राजदूतावास में निजी सहायक श्री एल. एस. शिवारामन को तत्काल, अगला आदेश होने तक, कौंसली एजेंट का कार्य करने का अधिकार प्रदान करती हैं ।

[सं. टी. 4330/1/73]

रामलाल, अवर सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 31st December, 1973

S.O. 447.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri L. S. Sivaraman, Personal Assistant in the Embassy of India, Doha (Qatar) to perform the duties of a Consular Agent, with immediate effect, until further orders.

[No. T. 4330(1)/73]

RAM LAL, Under Secy. (Cons.)

नई दिल्ली, 16 जनवरी, 1974

का. आ. 448.—लोक परिसर (अनधिकृत अधिकारी बंदखली) अधिनियम, 1971 (1971 का 40 वां) की धारा 3 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए एतद्द्वारा केंद्रीय सरकार निम्नलिखित सारणी के खाना 1 में बताए गए अधिकारी को, सरकार के राजपत्रित अधिकारी होने के नाते, उपरोक्त अधिनियम के उद्देश्यों को पूरा करने के लिए सम्पदा अधिकारी के रूप में नियुक्त करती है यह निर्देश भी देती है कि उक्त अधिकारी प्रदत्त अन्य अधिकारों का प्रयोग करेगा और उक्त सारणी के खाना (2) में वर्णित लोक परिसर के संबंध में, अपने अधिकार क्षेत्र के अन्तर्गत उक्त अधिनियम द्वारा या उसके अधीन सम्पक्ष अधिकारियों के लिए बताए गए कार्य करेगा ।

सारणी

अधिकारी का पदनाम	लोक परिसर की श्रेणियां एवं अधिकार क्षेत्र की स्थानीय सीमाएं
1	2
उप सचिव (संयुक्त राष्ट्र संघ)	संघ शासित क्षेत्र, दिल्ली स्थित
भारत सरकार, विदेश मंत्रालय, नई दिल्ली	परिसर जो विदेश मंत्रालय के प्रशासकीय नियंत्रण के अधीन है ।

[फा. सं. क्यू/एस. ई. /8602/17/72.]

ए. कृपाल, अवर सचिव

New Delhi the 16th January, 1974

S.O. 448.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants), Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act, and further directs that the said officer shall exercise other powers conferred, and perform the duties imposed, on the estate officers by or under the said Act, within the limits of his jurisdiction in respect of public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public and local limits of jurisdiction
1	2
Deputy Secretary (UNITED NATION), Government of India, Ministry of External Affairs, New Delhi.	Premises under the Administrative control of the Ministry of External Affairs, in the Union territory of Delhi.

[No. F. O/SE/8602/17/72]

A. DAYAL, Under Secy.

वार्णिज्य मंत्रालय

नई दिल्ली, 1 फरवरी, 1974

का. आ. 449.—आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, विस्कोस स्टेपल रेशा वितरण नियंत्रण आदेश, 1972 में और आगे संशोधन करने के लिये निम्नलिखित आदेश एतद्द्वारा करती है, अर्थात् :—

1. (1) इस आदेश का नाम विस्कोस स्टेपल रेशा वितरण (द्वितीय संशोधन) नियंत्रण आदेश, 1973 होगा ।

(2) ये दुरुस्त प्रदत्त होगा ।

2. विस्कोस स्टेपल रेशा वितरण नियंत्रण आदेश, 1972 के खण्ड 9 में, उपखण्ड (ग) के स्थान पर निम्नलिखित उप खण्ड प्रतिस्थापित किया जाएगा, अर्थात् :—

“(ग) किसी भी परिसर में प्रवेश कर सकेगा और तलाशी ले सकेगा या किसी भी परिसर में प्रवेश करने और तलाशी लेने के लिए किसी ऐसे अधिकारी को जो वस्त्रायुक्त के कार्यालय में तकनीकी अन्वेषक/प्रवर्तन निरीक्षक (तकनीकी अथवा गैर तकनीकी) के पद से कम का न हो, प्राधिकृत कर सकेगा और किसी वस्तु का, जिसके बारे में उसे यह विश्वास करने का कारण है कि इस आदेश का उल्लंघन किया गया है। और परिसर में किसी अन्य वस्तु का, जिसके बारे में उसे यह विश्वास करने का कारण है कि ऐसे उल्लंघन के संबंध में उसका उपयोग किया गया है या उपयोग करना आशामित है, अभिग्रहण कर सकेगा या अभिग्रहण करने के लिये किसी व्यक्ति को प्राधिकृत कर सकेगा।”

[फा. सं. 17013/1/72 टैक्स (5)]

मणिनारायण स्वामी, संयुक्त सचिव

MINISTRY OF COMMERCE

New Delhi, the 1st February, 1974

S.O. 449.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Viscose Staple Fibre Distribution Control Order, 1972, namely :—

1. (1) This Order may be called the Viscose Staple Fibre Distribution (Second Amendment) Control, Order, 1973 ;

(2) It shall come into force at once.

2. In clause 9 of the Viscose Staple Fibre Distribution Control Order, 1972, for sub-clause (c), the following sub-clause shall be substituted, namely :—

“(c) enter and search or authorise any officer not below the rank of a Technical Investigator/Enforcement Inspector (Technical or non-Technical) in the office of the Textile Commissioner to enter and search any premises and seize or authorise any such officer to seize any article in respect of which he has reason to believe a contravention of this Order has been committed and any other article in the premises which he has reason to believe has been or is intended to be used in connection with such contravention.”

[F. No. 17012/1/72-Tex(V)]
MANI NARAYANSWAMI, Jt. Secy.

आदेश

नयी दिल्ली, 16 फरवरी 1974

क्र० प्र०. 450.—यतः केन्द्रीय सरकार की राय है कि भारत के निर्यात व्यापार के विकास के लिए निर्यात (क्वालिटी नियंत्रण और

निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० फा० प्र० 1197, तारीख 15 अप्रैल, 1966 में नीचे विनिर्दिष्ट रीति से संशोधन करना आवश्यक तथा समीचीन है;

और यतः केन्द्रीय सरकार के उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है;

प्रतः अब उक्त उप-नियम के अनुसरण में केन्द्रीय सरकार उक्त प्रस्तावों को उनसे संभाव्यतः प्रभावित होने वाली जनता की जानकारी के लिए प्रकाशित करती है।

2. यह सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आप्रोध या सुझाव भेजने की वांछा करने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख के तीस दिन के भीतर निर्यात निरीक्षण परिषद् “वर्ल्ड ट्रेड” 14/1 बी, एचरा स्ट्रीट (आठवीं मंजिल), कलकत्ता-1 को भेज सकेगा।

प्रस्ताव

भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० फा० प्र० 1197, तारीख 15 अप्रैल, 1966 निम्न प्रकार संशोधित की जाएगी अर्थात् :—

उक्त अधिसूचना में,—

1. पैरा 1 में,—

(i) उप-पैरा (1) में “अनुसूची” शब्द के स्थान पर “उपाबन्ध 1” शब्द और संक रखे जाएंगे;

(ii) उप-पैरा (3) के पश्चात् निम्नलिखित पैरा अन्तः स्थापित किया जाएगा अर्थात् :—

(4) निर्यातकर्ता तथा विदेशी क्रेता के बीच तय किए गए संविदा संबंधी विनिर्देशों को, इस आदेश के उपाबन्ध-II में दिए गए विनिर्देशों के न्यूनतम के अधीन रहते हुए, कार्बनिक रसायनों के लिए मानक विनिर्देशों के रूप में मान्यता देना है।

2. अनुसूची में, “अनुसूची” शब्द के स्थान पर “उपाबन्ध 1” शब्द और संक रखे जाएंगे और इस प्रकार संशोधित अनुसूची के पश्चात्, निम्नलिखित उपाबन्ध अन्तः स्थापित किया जाएगा, अर्थात् :—

उपाबन्ध—II

1. ऐसीटिक अम्ल के लिए विनिर्देश

1. श्रेणियाँ :—ऐसीटिक अम्ल की तीन श्रेणियाँ होंगी अर्थात् तकनीकी शुद्ध तथा विश्लेषणात्मक अभिकर्मक श्रेणियाँ।

2. अपेक्षाएं :

2. 1. वर्णन :—तकनीकी श्रेणी की सामग्री हल्के पीले रंग की होगी। यह 0.0030 ग्रा० शुद्ध पोटैशियम डाइक्रोमेट को 1000 मिली पानी में घोलकर बनाए गए पोटैशियम डाइक्रोमेट से तैयार किए गए नाज़े घोल से अधिक गहरे रंग की नहीं होगी।

शुद्ध तथा विश्लेषणात्मक श्रेणी की सामग्री रंगहीन होगी।

2. 2. निर्यात निरीक्षण परिषद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा परख किए जाने पर सामग्री नीचे की तारणी में दी गई अपेक्षाओं के अनुरूप होगी।

सारणी				
क्रम सं०	विशेषता	तकनीकी श्रेणी	शुद्ध श्रेणी	विश्लेषणात्मक अभिकर्मक श्रेणी
के लिए अपेक्षाएं				
1	2	3	4	5
(i)	पानी में घुलनशीलता	—	पूर्ण रूप से घुलनशील होगा	एक घंटे में गंदलापन नहीं होगा
(ii)	ऐसीटिक अम्ल की अन्तर्वस्तु (सी०एच० 3 सी०ओ०ओ०एच०) भार के आधार पर प्रतिशत, न्यूनतम .	98.0	99.5	99.7
(iii)	क्रिस्टलन बिन्दु, 0 से न्यूनतम। .	—	15.6	16.0
(iv)	वाष्पीकरण पर अवशिष्ट भार के आधार पर प्रतिशत, अधिकतम	0.02	0.01	0.001
(v)	क्लोराइड (जैसे क्लो०) प्रति दस लाख में हिस्से, अधिकतम .	35	15	1
(vi)	लोह (जैसे फे०), प्रति दस लाख हिस्से, अधिकतम .	—	2	1
(vii)	सल्फेट्स (जैसे एस० ओ० 4), प्रति दस लाख में हिस्से, अधिकतम .	—	—	1
(viii)	भारी धातुएं (जिनमें लोह भी है), प्रकल्पित जैसे पी० बी०, प्रति दस लाख में हिस्से, अधिकतम .	—	—	2
(ix)	फारमिक अम्ल (एच० सी० ओ० ओ०एच०), भार के आधार पर प्रतिशत, अधिकतम	0.35	0.15	—
(x)	ऐसी टैल डिहाइड्रेट (सी० एच० 3 सी० एच० ओ०), भारत के आधार पर प्रतिशत, अधिकतम .	0.15	0.05	—

3. निर्यात के लिए पैकिंग तथा चिह्न

- (i) पैकिंग:—सामग्री की पैकिंग उपयुक्त आधानों में जैसा क्रेता तथा निर्यातकर्ता के बीच तय किया जाए, की जाएगी।
- (ii) चिह्न:—ऐसीटिक अम्ल के आधान सुरक्षित रूप से बन्द किए जाएंगे तथा ऐसीटिक अम्ल का भार, नाम और उसकी श्रेणी दर्शाते

करते हुए उन्हें उपयुक्त रूप से चिह्नित किया जाएगा तथा उन पर ये शब्द भी सुस्पष्ट रूप से लिखे जाएंगे।

“संसारक—वाष्प तथा द्रव्य, आधों के लिए खतरनाक।”

2. हाइड्रोक्विनोन के लिए विनिर्देश

1. श्रेणियां:—हाइड्रोक्विनोन की दो श्रेणियां होंगी अर्थात् फोटो-ग्राफिक तथा तकनीकी श्रेणियां।

2. अपेक्षाएं।

2.1. फोटोग्राफिक श्रेणी के लिए :

2.1.1. वास्तविक रूप:—सामग्री गंदगी तथा अन्य बाह्य अशुद्धताओं से रहित चमकदार सफेद या क्रीम की भांति लिए सफेद मुर्द के आकार वाले सीसों के रूप में होगी।

2.1.2. धोल का रूप :

(क) पानी:—ग्रामुत जन में 5 प्रतिशत का धोल साफ रंगहीन तथा बाह्य अशुद्धताओं से रहित होना चाहिए।

(ख) जलमिश्रित ऐसीटिक अम्ल:—जलमिश्रित ऐसीटिक अम्ल में 5 प्रतिशत का धोल (1:19) कक्ष तापमान में साफ और लगभग रंगहीन या हल्के पीले रंग का धोल होगा।

2.2. तकनीकी श्रेणी के लिए:—तकनीकी श्रेणी के लिए सामग्री गंदगी तथा बाह्य अशुद्धताओं से रहित हल्के भूरे रंग के सीसों के रूप में होगी।

2.3. सामान्य:—निर्यात निरीक्षण परिषद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा उसकी परख किए जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप भी होगी।

सारणी

हाइड्रोक्विनोन के लिए अपेक्षाएं

क्रम सं०	विशेषता	फोटोग्राफिक श्रेणी	तकनीकी श्रेणी
1	2	3	4
(i)	हाइड्रोक्विनोन अन्तर्वस्तु भार के आधार पर प्रतिशत, न्यूनतम .	99.0	97.5
(ii)	गलनांक .	171° से० से 175° से०	—
(iii)	शुल्बीयित राख, भार के आधार पर प्रतिशत, अधिकतम .	0.10	0.75
(iv)	शुल्बीयित (जैसे एस० ओ० 4), भार के आधार पर प्रतिशत, अधिकतम .	0.075	—
(v)	लोह (जैसे फे०) भार के आधार पर प्रतिशत, अधिकतम .	0.002	0.01

2.4. पैकिंग:—सामग्री की पैकिंग वायुरोधी आधानों में इस प्रकार की जाएगी ताकि अन्तर्वस्तु को प्रकाश से बचाया जा सके।

3. आक्सैलिक अम्ल के लिए विनिर्देश

1. श्रेणियां:—आक्सैलिक अम्ल की दो श्रेणियां होंगी, अर्थात् तकनीकी तथा विश्लेषणात्मक आभिकर्मक।

2. अपेक्षाएं :

2.1. वर्णन:—सामग्री रंगहीन सीसों के रूप में होगी और प्रस्फुटन से मुक्त होगी। गर्म किए जाने पर यह मुलसे बिना उड़ जाएगी।

2.2. **विलेयता** :—5.0 ग्राम सामग्री को 50 मिमी गर्म पानी में धोलिए । बिना तलछट के साफ रंगहीन घोल बनाया जाना चाहिए ।

2.3. **निर्यात निरीक्षण परिषद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा उसकी परख किए जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप भी होगी ।**

सारणी

आकृतैलिक अम्ल के लिए अपेक्षाएं

क्रम सं०	विशेषता	श्रेणी के लिए अपेक्षाएं	
		तकनीकी	विश्लेषणात्मक अभिकर्मक
1	2	3	4
(i)	आकृतैलिक अम्ल (सी० ओ० एच०) एस०, एच०, ओ०, भार के आधार पर प्रतिशत न्यूनतम	96.0	99.8
(ii)	शुद्धीयित राख, भार के आधार पर प्रतिशत, अधिकतम	0.5	0.01
(iii)	क्लोरग्लूक (जैसे क्लो०), भार के आधार पर प्रतिशत, अधिकतम	0.1	0.001
(iv)	सल्फेट्स (जैसे एस० ओ०) भार के आधार पर प्रतिशत, अधिकतम	0.1	0.01
(v)	भारी धातुएं (जैसे पी० बी०), भार के आधार पर प्रतिशत, अधिकतम	—	0.0005
(vi)	नाइट्रोजन मिश्रण (जैसे एन०), भार के आधार पर प्रतिशत, अधिकतम	—	0.001
(vii)	लोह (जैसे फे०) भार के आधार पर प्रतिशत, अधिकतम	0.05	0.0005
(viii)	केल्शियम (जैसे कै०), भार के आधार पर प्रतिशत, अधिकतम	—	0.002
(ix)	मैग्नेशियम (जैसे मैग), भार के आधार पर प्रतिशत, अधिकतम	—	0.003

4. नेफथेलीन के लिए विनिर्देश

1 **श्रेणी** :—नेफथेलीन की दो श्रेणियां होंगी, अर्थात्, श्रेणी-i नेफथेलीन (शुद्ध) तथा श्रेणी-ii नेफथेलीन (उष्ण संपीड़ित) ।

2. अपेक्षाएं :

2.1. **वर्णन** :—श्रेणी 1 की सामग्री प्रवेत अणु गोलियों, खंडों, पपड़ियों या क्रिस्टलीय बूर्ण के रूप में होगी और गंधगी या लैसीय अशुद्धताओं से मुक्त होगी । नीचे विहित किए गए के अनुसार परख किए जाने पर ऊनी फैब्रिकों के सम्पर्क में आने पर इनके कोई भी धब्बे नहीं पड़ेंगे ।

2.1.1. सामग्री की थोड़ी सी मात्रा सर्ज के एक टुकड़े में कम कर लपेटिए और उसे 50° से०/1° से० पर 4 घंटे तक रखिए । तब सर्ज के टुकड़े की धब्बों के लिए, यदि कोई हो, परीक्षा कीजिए ।

2.2. श्रेणी-ii की सामग्री ऊष्म संपीड़ित, अपकेन्द्रण आदि से प्राप्त की जा सकती है । यह सफेद जैसे हल्के भूरे रंग की होगी और यह

ऊलों, खण्डों या दानों के रूप में होगी । किन्तु रंग 100 मिमी पानी में 20 मिमी आयोडिन तथा 40 मिमी पोटेशियम आयोडिन के घोल से अधिक गहरा नहीं होगा ।

2.2. **निर्यात निरीक्षण परिषद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा परख किये जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप भी होगी ।**

सारणी

क्रम सं०	विशेषता	नेफथेलीन के लिए अपेक्षाएं	
		अपेक्षा	
		श्रेणी-1	श्रेणी-2
1	2	3	4
(1)	क्रिस्टलिन बिन्दु, से०, न्यूनतम	79.4	78.5
(2)	घर्षता अन्तर्वस्तु, भार के आधार पर प्रतिशत, अधिकतम	0.2	0.2
(3)	राख, भार के आधार पर प्रतिशत, अधिकतम	0.02	0.02
(4)	कुल गंधक, भार के आधार पर प्रतिशत अधिकतम	—	0.20
(5)	कुल नाइट्रोजन अन्तर्वस्तु, भार के आधार पर प्रतिशत, अधिकतम	—	0.02

5. बेन्जीन के लिए विनिर्देश

1. **श्रेणी** :—बेन्जीन की तीन श्रेणियां होंगी, अर्थात्, श्रेणी-1, श्रेणी-2 तथा अभिकर्मक श्रेणी ।

1.2. **वर्णन** :—सामग्री कोक भट्टियों और भबकों में कोयले के कार्बनीकरण से उत्पन्न गैस से प्राप्त कच्चे बेनेजोल के अम्ल से धोने या जल-परिष्करण से उपयुक्त प्रभाजन तथा परिष्करण से व्युत्पन्न होगी या पेट्रोलियम परिष्करण या पैट्रोकेमिकल संक्रियाओं में उपोत्पाद के रूप में प्राप्त की जाएगी । यह स्वच्छ होगी तथा अवलम्बित पदार्थ और अघुलनशील जल से मुक्त होगी ।

2. अपेक्षाएं :

2.1. **श्रेणी-1** :—बैन्जीन, शुद्ध पेट्रोकेमिकल, डाइस्टफ और विशुद्ध रसायन उद्योगों के लिए ऐल्काइलीकृत, नाइट्रेटित और हैलोजनीकृत कार्बनिक मध्यस्थों के विनिर्माण में कच्ची सामग्री के रूप में प्रयुक्त ।

2.2. **श्रेणी-2** :—बेन्जीन, सामान्य रूप से (वाणिज्य में जो बेन्जोल इंडस्ट्रियल श्रेणी-1 के नाम से शात है) रसायन तथा विलायक के रूप में प्रयुक्त ।

2.3. **अभिकर्मक श्रेणी** :—सामग्री स्वच्छ, विशिष्ट गंध वाली रंगहीन द्रव्य, पानी में अविलेय किन्तु शुद्ध अल्कोहल या ईथर में पूरी तरह घुलनशील होगी । यह विलम्बित पदार्थ से मुक्त होगी ।

2.4. **निर्यात निरीक्षण परिषद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा परख किए जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप भी होगी ।**

सारणी

क्रम सं०	विशेषता	श्रेणी-1	श्रेणी-2	अधिकतम श्रेणी
के लिए अपेक्षा				
(1) (क) 15.5°/15.5° से० (ख) 27°/27° से० पर आवेक्षित धनत्व			0.877 से 0.884 तक 0.872 से 0.882 0.866 से 0.873 तक 0.861 से 0.871 0.871 से 0.873 तक	
(2) आसवन प्रक्षेप	उम तापमान जिस पर लिए गए परि- माण का 1 और 96 प्रतिशत संग्रह किया गया है, के बीच का अन्तर (चालू श्रंक) 0.6° से० से अधिक नहीं होगा। इस प्रक्षेप में 80.1° से० का तापमान भी सम्मिलित है।		उम तापमान, जिस पर लिए गए परि- माण का 1 और 96 प्रतिशत संग्रह किया गया है, के बीच का अन्तर (चालू श्रंक) 1° से० से अधिक नहीं होगा इस प्रक्षेप में 80.1° से० का तापमान भी सम्मिलित है।	कम से कम 95 प्रतिशत 79.5° 80.5° से० के बीच आसवित हो जाएगा।
(3) वाष्पीकरण पर अवशिष्ट, मि० प्रा० 100 मिमी, अधिकतम	5	5	0.002	
(4) कुल गंधक, भार के आधार पर प्रतिशत, अधिकतम	0.015	0.1	—	
(5) फिस्टल बिन्दु न्यूनतम	5.2° से०	—	—	5° से० से कम
(6) पियोफीन (जैसे गंधक) भार के आधार पर प्रतिशत अधिकतम	0.01	—	—	0.00025

3. पैकिंग तथा चिह्नन :

3.1. पैकिंग :—सामग्री की पैकिंग प्रतीतारक्त के कांच के या सामग्री के गुण-धर्मों के अनुरूप अन्य उपयुक्त आधानों में की जाएगी। आधान सूखे, साफ, बेजलीन, में विलेय किसी भी पदार्थ से मुक्त और टपक रहित होंगे। मुद्राबन्ध करते समय नीचे दी गई पूर्वावधानियों का पालन किया जाएगा :

- (1) आधानों को बन्द करने के लिए रबर की डाटों या बनावटी कार्कों का प्रयोग नहीं किया जाएगा।
- (2) बोतल के मुंह को आर्द्रता और धूल से बचाने के लिए तथा उठाने-धरने में उसके बचाव के लिए प्रत्येक आधान को, डाट के ऊपर उपयुक्त अभेद्य सामग्री का ढकना लगाकर सुरक्षित किया जाएगा।
- (3) यदि लाख या अन्य प्लास्टिक सामग्री का प्रयोग किया जाता है तो वह इस प्रकार से लगाई जाएगी कि वह आधानों के खोलने पर सामग्री को गंदा न करें।

3.2. चिह्नन :—बैजलीन के आधान सुरक्षित रूप से बन्द किए जाएंगे और उन पर ये शब्द भी सुस्पष्ट रूप से लिखे जाएंगे :—

“प्रतिज्वलनशील द्रव्य”

“ताप, चिनगारी तथा खुली लपट से दूर रखिए”।

6. ऐम्ब्लासीन के लिए विनिर्देश

1. अपेक्षाएं :

1. वर्णन :—सामग्री कोलतार आसवन के उपयुक्त प्रभाग से प्राप्त की जाएगी। यह रंगहीन या नीली जामनी फ्लोरेसेंट क्रिस्टलीय ठोस होगी और तलछट से मुक्त होगी।

1.2. निर्यात निरीक्षण परिषद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा परख किए जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप होगी।

सारणी

क्रम सं०	विशेषता	अपेक्षा
(i) गलनांक .	. 213° से० से 216.2° से० तक	
(ii) क्वथनांक .	. 340° से० से 351° से० तक	

7. ठालूईन के लिए विनिर्देश

1. श्रेणियां :—ठालूईन की तीन श्रेणियां होंगी, अर्थात्, शुद्ध (नाइट्रो-करण श्रेणी) अधिकतम श्रेणी तथा औद्योगिक विलायक श्रेणी।

2. वर्णन :—सामग्री कोयले के कार्बनीकरण से उत्पन्न गैस से प्राप्त कच्चे बैनेजोल से व्युत्पन्न होगी या पेट्रोलियम परिष्करण तथा पेट्रोकैमिकल संक्रियाओं में उपोत्पाद के रूप में प्राप्त की जाएगी।

2.1. अपेक्षाएं :—सामग्री स्वच्छ होगी और तलछट निलम्बित पदार्थों, तथा अधुलनशील पानी से मुक्त होगी।

2.1.2. प्रतिकर्मक श्रेणी :—सामग्री स्वच्छ, विशिष्ट गंधवासी, रंगहीन द्रव्य, पानी में अविलेय किन्तु शुद्ध अस्कोहल या ईथर में पूरी तरह घुलनशील होगी। यह निलम्बित पदार्थ तथा अधुलनशील पानी से मुक्त होगी।

2.1.3. औद्योगिक विलायक श्रेणी :—सामग्री स्वच्छ होगी और तलछट निलम्बित पदार्थ तथा अधुलनशील पानी से मुक्त होगी।

2.1.4. निर्यात निरीक्षण परिषद् अनुमोदित, मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा परख किए जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप होगी।

सारणी

क्रम सं०	विशेषता	शुद्ध (नाइट्रोकरण) श्रेणी	अधिकतम श्रेणी	औद्योगिक विनायक श्रेणी
(i)	(क) 15.5°/15.55° से० (ख) 27°/27° से० पर आपेक्षित घनत्व।	0.870 से 0.874 तक 0.859 से 0.863 तक	— 0.859 से 0.862 तक	0.860 से 0.875 तक 0.849 से 0.861 तक
(ii)	आसवन प्रक्षेप	उस तापमान जिस पर लिए गए परि-माण का 1 और 96 प्रतिशत संग्रह किया गया है के बीच का अन्तर (चालू ग्रंथ) 0.6° से० से अधिक नहीं होगा। इस प्रक्षेप में 110.6° से० का तापमान भी सम्मिलित है।	कम से कम 95 प्रतिशत 110° से० और 111.0° से० के तापमान के भीतर आसवित हो जाएगा।	†(क) 105° से० तक 5 मिली अधिकतम। †(ख) 120° से० तक 90 मिली न्यूनतम।
(iii)	वाष्पीकरण पर अवशिष्ट मिश्रण 100 मिली अधिकतम	5	0.002	10.00
(iv)	कुल गंधक भार के आधार पर प्रतिशत अधिकतम	0.1	—	0.2

† 760 मिली मर्करी के वक्र के लिए तापमान का शोधित किया जाना।

3. पैकिंग तथा चिह्नन :

3.1 पैकिंग—सामग्री की पैकिंग प्रपौतारक के कोच के या सामग्री के गुण धर्मों के अनुकूल अन्य उपयुक्त आधानों में की जाएगी। मुद्रा बन्द करते समय नीचे की गई पूर्वविधानियों का पालन किया जाएगा :

- (1) आधानों को बन्द करने के लिए रखर की डाटों या अनावटों काकों का प्रयोग नहीं किया जाएगा।
- (2) बोटल के मुंह को आर्द्रता और धूल से बचाने के लिए तथा उठाने-घरने में उसके बचाव के लिए प्रत्येक आधान को, डाट के ऊपर उपयुक्त अभेद्य सामग्री का ढकना लगा कर सुरक्षित किया जाएगा।
- (3) यदि लाख या अन्य प्लास्टिक सामग्री का प्रयोग किया जाना है तो वह इस प्रकार से साई जाएगी कि वह आधान के खोलने पर सामग्री को गन्दा न करे।

3.2. चिह्नन—टोलूईन के आधान सुरक्षित रूप से बन्द किए जाएंगे और उन पर ये शब्द भी सुस्पष्ट रूप से लिखे जायेंगे:—

“प्रति ज्वलनशील द्रव्य”

“ताप, चिनगारी तथा खुली लपट से दूर रखिए”

8. एथिल ऐल्कोहल के लिए विनिर्देश

1. सामग्री पांच प्रकार की होगी अर्थात्:—

शुद्ध ऐल्कोहल, पूर्ण ऐल्कोहल परिष्कृत स्पिरिट, साधारण विकृत स्पिरिट तथा हलकशी श्रेणी ऐल्कोहल।

2. विभिन्न प्रकारों के ऐथिल ऐल्कोहल के लिए अपेक्षाएं नीचे की सारणी में दिए गए सुसंगत भारतीय मानक के अनुसार होंगी।

सारणी

क्र० सं०	एथिल ऐल्कोहल का प्रकार	भारतीय मानक संस्था द्वारा जारी किया गया सुसंगत विनिर्देश
1	2	3
(1)	शुद्ध ऐल्कोहल	भा० मा० : 321-1964
(2)	पूर्ण ऐल्कोहल	भा० मा० : 322-1952
(3)	परिष्कृत स्पिरिट	भा० मा० : 323-1959
(4)	साधारण विकृत स्पिरिट	भा० मा० : 324-1959
(5)	ऐल्कोहल हलकशी श्रेणी	भा० मा० : 1049-1957

टिप्पण—यदि उपयुक्त सारणी के स्तम्भ 2 में विनिर्दिष्ट किसी भी प्रकार के एथिल ऐल्कोहल की बाबत भारतीय मानक संस्था द्वारा सुसंगत विनिर्देश में बाद में कोई प्रतिवर्तन किया जाता है तो ऐसे ऐथिल ऐल्कोहल पर लागू होने वाला विनिर्देश ऐसा सबसे अन्त का प्रतिवर्तन होगा, न कि इसके स्तम्भ 3 में की तत्स्थानी प्रविष्टि में वर्णित विनिर्देश होंगे।

9. जाईलीन के लिए विनिर्देश

1. अपेक्षाएं

1.1. वर्णन—सामग्री बेनजोल और टोल्यूओल निकालने के पश्चात् उपयुक्त प्रभाजन तथा परिष्करण से कोक अट्रिट्यों और भस्मों में कोयले से उत्पन्न गैस के निस्कर्षण से प्राप्त कच्चे बेनजोल से व्युत्पन्न होगी या पेट्रोलियम परिष्करण या पेट्रोकेमिकल संयंत्रों में उपोत्पाद के रूप में प्राप्त की जाएगी। यह स्वच्छ होगी तथा निलम्बित पदार्थ और अशुद्धि-शील जल से मुक्त होगी।

1.2. निर्यात निरीक्षण परिपद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिये जाने पर तथा परख किए जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप भी होगी।

सारणी

क्र० सं०	विशेषता	अपेक्षा
(i)	(क) 15.5° 15.5° से० (ख) 27° 27° से० पर आपेक्षित घनत्व	0.860 से 0.875 तक 0.850 से 0.865 तक

(ii) आसवन प्रक्षेप
मुद्राएं गए नमूने के परख किए जाने पर उस तापमान जिस पर लिए गए परिमाण का 1 प्रतिशत तथा 96 प्रतिशत संग्रह किया गया है, के बीच का अन्तर (चालू ग्रंथ) 5° से० से अधिक नहीं होगा। यह प्रक्षेप 137.0° से० तथा 145.0° से० के बीच का होगा।

(iii) वाष्पीकरण पर अवशिष्ट मिश्रण

100 मिली अधिकतम। 10

† मर्करी के 760 मिमी वक्र से बबलाव के प्रत्येक 10 मिमी के लिए 0.7° से० का तापमान शोधन लागू किया जाएगा।

2. पैकिंग तथा बिल्लन :

2.1. पैकिंग—सामग्री की पैकिंग प्रयोजन के काम के या सामग्री के गुणधर्मों के अनुकूल अन्य उपयुक्त आधानों में की जाएगी। मुद्राबन्ध करने समय नीचे दी गई पूर्वावधानियों का पालन किया जाएगा:—

- (1) आधानों को बन्ध करने के लिए रबर की डाटों या बनावटी कार्कों का प्रयोग नहीं किया जाएगा।
- (2) बोतल के मुह को आद्रता और धूल से बचाने के लिए तथा उठाने-धरने में उसके बचाव के लिए प्रत्येक आधान को, डाट के ऊपर अभिव्य सामग्री का ठंक्ना लगाकर सुरक्षित किया जाएगा।
- (3) यदि लाख या अन्य प्लास्टिक सामग्री का प्रयोग किया जाता है तो वह उस प्रकार से लगाई जाएगी कि वह आधान के खोलने पर सामग्री को गन्दा न करे।

2.2. बिल्लन—आहलीन का आधान सुरक्षित रूप से बन्ध किया जाएगा और उस पर ये शब्द भी सुस्पष्ट रूप से लिखे जायेंगे :

“अग्नि ज्वलनशील द्रव्य”

“ताप, चिनगारी तथा खुली लपट से दूर रखिए”

10. सोडियम सिट्रेट (अम्ल) के लिए विनिर्देश

1. वर्णन सामग्री रंगहीन सीसो या क्रिस्टलीय चूर्ण के रूप में होगी। यह निर्जल होगी या इसमें क्रिस्टलन के पानी के दो गुण अनु हो सकते हैं।

2. अपेक्षाएँ :

2.1. विलेयता—निर्जलीकृत सामग्री का एक ग्राम 25° से० पर 1.5 मिली पानी में तथा खोलते हुए पानी के 0.6 मिली में विलेय होगी।

2.2. सामग्री ऐल्कोहल में अविलेय होगी।

2.3. निर्यात निरीक्षण परिषद् द्वारा अनुमोदित मानक प्रक्रिया के अनुसार नमूना लिए जाने पर तथा परख किए जाने पर सामग्री नीचे की सारणी में दी गई अपेक्षाओं के अनुरूप भी होगी।

सारणी

क्र० सं०	विशेषता	अपेक्षा
1	2	3
(i)	सूखे के आधार पर शुद्धता (सी 6 एच एन ए 2 प्रो 7, 2 एच प्रो०) भार के आधार पर प्रतिशत, न्यूनतम	99
(ii)	आद्रता, भार के आधार पर प्रतिशत, अधिकतम	
	(क) निर्जल	1
	(ख) निर्जलीकृत	13
(iii)	क्षारीयता आक्सेलेट तथा पदार्थ, तुरन्त कार्बोनीय + परख में पास होना	
(iv)	संजिया (जैसे एएम), सूखे के आधार पर, मिश्र क्रिया, अधिकतम	3
(v)	सीसा (जैसे पी० बी०), सूखे के आधार पर, मिश्र क्रिया, अधिकतम	10

विनिर्दिष्ट के लिए परख :

क्षारीयता—पानी में सामग्री का 5 प्रतिशत घोल लिटमस पेपर के लिए क्षारीय होगा किन्तु 0.2 मिली गंधक का अम्ल (0.1 एन) मिलाने पर फिनोल्फथेलीन की एक बुँब से गुलाबी रंग नहीं बनेगा।

आक्सेलेट—एक ग्राम सामग्री को 1 मिली पानी और 3 मिली तनु हाइड्रोक्लोरिक अम्ल के मिश्रण में घोलिये। इसमें 90 प्रतिशत ऐल्कोहल का 4 मिली और कैल्शियम क्लोराइड घोल की 4 बुँदें मिलाइये उसे एक घंटे के लिए पड़ा रहने दीजिए। मिश्रण स्वच्छ रहना चाहिये।

तुरन्त कार्बोनीय पदार्थ—एक प्रयोग तली में 10 मिली गंधक का अम्ल (एच एम प्रो का 94.5 से 95.5 प्रतिशत तक) लीजिए और एक ग्राम मिलाइए। एक घंटे² तक खोलने⁴ हुए पानी में गर्म कीजिए। रंग फीके भूरे से अधिक नहीं होगा।

3. पैकिंग—सामग्री की पैकिंग अच्छी तरह भरे हुए आधानों में की जाएगी ताकि उन तक प्रकाश और आद्रता कम से कम पहुँच पाये। आधान ऐसे होंगे जो अन्तर्वस्त्रों को धातुओं या अन्य अशुद्धताओं से दूषित होने से रोकें।

[सं० 6(3)/73-नि० तथा नि० सं०]

एम० के० बी० भटनागर, अवसर सचिव

MINISTRY OF COMMERCE

ORDER

New Delhi, the 16th, February 1974

S. O. 450.—Whereas the Central Government is of opinion that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to amend the Notifications of the Government of India in the Ministry of Commerce No. S.O. 1197 dated the 15th April, 1966, in the manner specified below for the development of the export trade of India;

And whereas the Central Government has formulated the Proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within thirty days from the date of publication of this Order in the Official Gazette, to the Export Inspection Council, 'World Trade Centre', 14/1B, Ezra Street (7th floor), Calcutta-1.

PROPOSALS

The notification of the Government of India in the Ministry of Commerce No. S.O. 1197, dated the 15th April, 1966 shall be amended as follows, namely:—

In the said notification,—

1. in paragraph 1,—

(i) in sub-paragraph (1) for the word "Schedule", the word and figure "Annexure I" shall be substituted;

(ii) after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

“(4) recognises the contractual specifications as agreed upon between the exporter and the foreign buyer subject to the minimum of specifications as laid down in Annexure II to this Order, as the standard specifications for the organic chemicals.”;

2. in the Schedule, for the word "Schedule", the word and figure "Annexure I" shall be substituted, and after the Schedule as so amended, the following Annexure shall be inserted, namely:—

ANNEXURE II

1. Specification for Acetic Acid

1. **Grades** : There shall be three grades of Acetic Acid, namely, technical, pure and analytical reagent grades.

2. Requirements:

2.1 **Description**:—The technical grade material shall be pale straw in colour. It shall not be darker than a freshly prepared solution of potassium dichromate obtained by dissolving 0.0030 gm. of pure potassium dichromate in 1000 ml. of water.

The pure and analytical grade of the material shall be colourless.

2.2 The material shall comply with the requirements given in the Table below, when sampled and tested as per the standard procedure approved by Export Inspection Council.

TABLE

Sl. No.	Characteristic	Requirement for		
		Technical grade	Pure grade	Analytical Re-agent grade
1	2	3	4	5
(i)	Solubility in water	—	shall be completely miscible	No turbidity within one hour
(ii)	Acetic Acid content (CH_3COOH), per cent by weight, Min.	98.0	99.5	99.7
(iii)	Crystallizing point $^{\circ}\text{C}$, Min.	—	15.6	16.0
(iv)	Residue on evaporation, per cent by weight, Max.	0.02	0.01	0.001
(v)	Chlorides (as Cl), ppm, Max.	35	15	1
(vi)	Iron (as Fe), ppm, Max.	—	2	1
(vii)	Sulphates (as SO_4), ppm, Max.	—	—	1
(viii)	Heavy metals (including iron) calculated as Pb, ppm, Max.	—	—	2
(ix)	Formic acid (HCOOH), per cent by weight, Max.	0.35	0.15	—
(x)	Acetaldehyde (CH_3CHO), per cent by weight, Max.	0.15	0.05	—

3. Packing and Marking for export:

(i) **Packing**:—The material shall be packed in suitable containers as agreed to between the buyer and the exporter.

(ii) **Marking**:—The containers of the Acetic Acid shall be securely closed and shall be suitably marked showing the weight, name and grade of the acetic acid and these shall also prominently display the words.

"CORROSIVE—VAPOUR AND LIQUID DANGEROUS TO EYES"

2. Specification for Hydroquinone

1. **Grades**: There shall be two grades of Hydroquinone, namely, photographic and Technical grades.

2. Requirements:

2.1 For Photographic grade:

2.1.1 **Physical Appearance**:—The material shall be shining white or creamish white needle shape crystals, free from dirt and other extraneous impurities.

2.1.2 Appearance of solution:

(a) **Water**:—A 5% solution in the distilled water should be clear colourless and free from extraneous impurities.

(b) **Dilute Acetic Acid**:—5% solution in the dilute acetic acid (1 : 19) at room temperature shall give a clear and almost colourless or light straw coloured solution.

2.2 **For Technical Grade**: The technical grade material shall be in the form of slightly brownish crystals, free from dirt and extraneous impurities.

2.3 **General**: The material shall also comply with the requirements given in the Table below, when sampled and tested as per the standard procedure approved by the Export Inspection Council.

TABLE
Requirements of Hydroquinone

Sl. No.	Characteristic	Photographic grade	Technical grade
(i)	Hydroquinone content, per cent by weight, Min.	99.0	97.5
(ii)	Melting point	171 $^{\circ}\text{C}$ to 175 $^{\circ}\text{C}$	—
(iii)	Sulphated ash, per cent by weight, Max.	0.10	0.75
(iv)	Sulphated (as SO_4), percent by weight, Max.	0.075	—
(v)	Iron (as Fe), per cent by weight, Max.	0.002	0.01

2.4 **Packing** : The material shall be packed in air-tight containers so as to protect the contents from light.

3. Specification for Oxalic Acid,

1. **Grades** : There shall be two grades of the Oxalic Acid, namely, technical and analytical reagent.

2. Requirements :

2.1 **Description** :—The material shall be in the form of colourless crystals and free from efflorescence. When heated, it shall volatilize without charring.

2.2 **Solubility** :—Dissolve 5.0 g. of the material in 50 ml. of warm water. A clear colourless solution shall be produced without sediment.

2.3 The material shall also comply with the requirements given in the Table below, when sampled and tested as per the standard procedure approved by the Export Inspection Council.

TABLE
Requirements for Oxalic Acid

Sl. No.	Characteristic	Requirements for grade	
		Technical	Analytical reagent
1	2	3	4
(i)	Oxalic acid (COOH) ₂ \cdot 2H ₂ O, per cent by weight, Min.	96.0	99.8
(ii)	Sulphated ash, per cent by weight, Max.	0.5	0.01
(iii)	Chlorides (as Cl), per cent by weight, Max.	0.1	0.031
(iv)	Sulphates (as SO_4), per cent by weight, Max.	0.1	0.01
(v)	Heavy metals (as Pb), per cent by weight, Max.	—	0.0005
(vi)	Nitrogen compounds (as N), per cent by weight, Max.	—	0.0001
(vii)	Iron (as Fe), per cent by weight, Max.	0.05	0.0005
(viii)	Calcium (as Ca), per cent by weight, Max.	—	0.002
(ix)	Magnesium (as Mg), per cent by weight, Max.	—	0.003

Specification for Naphthalene

1. **Grades :** There shall be two grades of Naphthalene, namely, Grade I Naphthalene (pure) and Grade II Naphthalene (hotpressed).

2. **Requirements :**

2.1 **Description :—**Grade I material shall consist of prime white balls, blocks, flakes or crystalline powder and shall be free from dirt or oily impurities. It shall not produce any stain in contact with woollen fabrics when tested as prescribed below.

2.1.1 Wrap a small quantity of the material tightly in a piece of serge, and maintain it at $50^{\circ}\text{C} \pm 1^{\circ}\text{C}$ for 4 hours. Then examine the piece of serge for stains, if any.

2.2 Grade II material may be obtained by hot pressing, centrifuging etc. It shall be white to light brown in colour and shall consist of lumps, blocks or granules. The colour shall, however, be not darker than a solution of 20mg. of iodine and 40mg. of potassium iodine in 100 ml. water.

2.3 The material shall also comply with the requirements given in the Table below when sampled and tested as per the standard procedure approved by the Export Inspection Council.

TABLE
Requirements for Naphthalene

Sl. No.	Characteristic	Requirement for Naphthalene	
		Grade I	Grade II
(i)	Crystallizing point, $^{\circ}\text{C}$, Min.	79.4	78.5
(ii)	Moisture content, per cent by weight, Max.	0.2	0.2
(iii)	Ash, per cent by weight, Max.	0.02	0.02
(iv)	Total Sulphur, per cent, by weight, Max.	—	0.20
(v)	Total Nitrogen content, per cent by weight, Max.	—	0.02

TABLE

Sl. No.	Characteristic	Requirement for		
		Grade I	Grade II	Reagent grade
(i)	Specific gravity at :			
	(a) $15.5^{\circ}/15.5^{\circ}\text{C}$	0.887 to 0.884	0.872 to 0.882	—
	(b) $27^{\circ}/27^{\circ}\text{C}$	0.866 to 0.873	0.861 to 0.871	0.871 to 0.873
(ii)	Distillation Range	The difference between the temperature (running points) at which 1 and 96 per cent of the volume taken have been collected shall not exceed 0.6°C . This range shall include the temperature 80.1°C .	The difference between the temperature (running points) at which 1 and 96 per cent of the volume taken have been collected shall not exceed 1°C . This range shall include the temperature of 80.1°C .	Not less than 95 per cent shall distil over between 79.5° and 80.5°C .
(iii)	Residue on evaporation, mg/100 ml; Max	5	5	0.002
(iv)	Total Sulphur, per cent by weight, Max.	0.015	0.1	—
(v)	Crystallizing point, Min.	5.2°C	—	Not less than 5°C .
(vi)	Thiophene (as sulphur), per cent by weight, Max.	0.01	—	0.00025

3. **Packing and Marking :**

3.1 **Packing—**The material shall be packed in amber-coloured glass or other suitable containers compatible with the properties of the material. The containers shall be dry, clean, free from any substance soluble in Benzene and leak proof. While sealing, the following precautions shall be observed :

- (1) Rubber stoppers or composition corks shall not be used for closing the containers.
- (2) Each container shall be protected by a cover of a suitable impervious material over the stopper to keep away moisture and dust from the mouth of the bottle and to protect it while being handled.
- (3) Sealing wax or other plastic material, if used, shall be applied in such a way that it does not contaminate the material when the containers are opened.

5. Specification for Benzene

1. **Grades :** There shall be three grades of Benzene, namely; Grade I, Grade II and Reagent Grade.

1.2 **Description :—**The material shall be derived by suitable fractionation and refining by washing with acid or hydrotreating of crude benzole recovered from the gas produced by carbonization of coal in coke ovens and retorts or recovered as by product in petroleum refining or petrochemical operations. It shall be clear and free from suspended matter and undissolved water.

2. **Requirements :**

2.1 **Grade I—**Benzene, pure, use as raw material in the manufacture of alkylated, nitrated and halogenated organic intermediates for the petrochemical, dyestuffs and fine chemical industries.

2.2 **Grade II—**Benzene, ordinary (commercially known as benzole industrial Grade I) used as a chemical and solvent.

2.3 **Reagent Grade—**The material shall be clear, colourless liquid with characteristic odour, insoluble in water but completely miscible with absolute alcohol or ether. It shall be free from suspended matter.

2.4 The material shall also comply with the requirements given in the Table below, when sampled and tested as per the standard procedure, approved by the Export Inspection Council.

3.2 **Marking—**The containers of Benzene shall be securely closed and shall also prominently display the words :

"HIGHLY FLAMMABLE LIQUID"

"KEEP AWAY FROM HEAT, SPARK AND OPEN FLAME"

6. Specifications for Anthracene1. **Requirements :**

1.1 **Description—**The material shall be obtained from the suitable fraction of coal tar distillate. It shall be in the form of colourless or blue violet fluorescent crystalline solid, free from sediment.

1.2 The material shall conform to the requirements given in the Table below, when sampled and tested as per the standard procedure, approved by the Export Inspection Council.

TABLE

Sl. Characteristic No.	Requirement
(i) Melting point	213°C to 216.2°C
(ii) Boiling point	340°C to 351°C

7. Specification for Toluene

1. **Grades** : There shall be three grades of Toluene, namely, pure (Nitration Grade), Reagent Grade and Industrial Solvent Grade.

2. **Description** : The material shall be derived from crude benzole recovered from the gas produced by coal carboni-

zation or recovered as a by-product in petroleum refining and petro-chemical operations.

2.1 **Requirements** : The material shall be clear and free from sediment, suspended matter and undissolved water.

2.1.2 **Reagent Grade**—The material shall be a clear colourless liquid, with characteristic odour, insoluble in water but completely miscible with absolute alcohol or ether. It shall be free from suspended matter.

2.1.3 **Industrial Solvent Grade**—The material shall be clear and free from sediment, suspended matter and undissolved water.

2.1.4 The material shall also comply with the requirements given in the Table below, when sampled and tested as per the standard procedure, approved by the Export Inspection Council.

TABLE

Sl. No.	Characteristic	Pure (Nitration) Grade	Reagent Grade	Industrial Solvent Grade
1	2	3	4	5
(i)	Specific gravity at:			
	(a) 15.5°/15.5°C	0.870 to 0.874	—	0.860 to 0.875
	(b) 27°/27°C	0.859 to 0.863	0.859 to 0.862	0.849 to 0.864
(ii)	Distillation range	The difference between the temperature (running point) at which 1 and 96% of the volume taken have been collected shall not exceed 0.6°C. This range shall include the temperature of 110.5°C.	Not less than 95% shall distil over within 0.4°C in the temperature range of 110°C and 111.0°C.	*(a) Upto 105°C 5 ml, Max. and *(b) up to 120°C; 90 ml., Min.
(iii)	Residue on evaporation mg/100 ml. Max.	5	0.002	10.00
(iv)	Total Sulphur, per cent by weight, Max.	0.1	—	0.2

*The temperature being corrected for a pressure of 760 mm. Hg.

3. Packing and Marking :

3.1 **Packag**—The material shall be packed in amber-coloured glass or other suitable containers compatible with the properties of the material. While sealing, the following precaution shall be observed.

- (1) Rubber stoppers or composition corks shall not be used for closing the containers.
- (2) Each container shall be protected by a cover of a suitable impervious material over the stopper to keep away moisture and dust from the mouth of the bottle and to protect it while being handled.
- (3) Sealing wax or other plastic material, if used, shall be applied in such a way that it does not contaminate the material when the containers are opened.

3.2 **Marking**—The containers of Toluene shall be securely closed and shall also prominently display the words—

"HIGHLY FLAMMABLE LIQUID"

"KEEP AWAY FROM HEAT, SPARKS AND OPEN FLAME"

8. Specification for Ethyl Alcohol

1. The material shall be of five types, namely, Absolute alcohol, Power Alcohol, Rectified Spirit, Ordinary denatured Spirit and Perfumery Grade Alcohol.

2. The requirements for various types of ethyl alcohol shall be as per the relevant Indian Standard given in the Table below:

TABLE

Sl. No.	Type of the Ethyl Alcohol	Relevant specification issued by the Indian Standard Institution
(1)	(2)	(3)
(1)	Absolute alcohol	IS:321-1964
(2)	Power alcohol	IS:322-1952
(3)	Rectified Spirit	IS:323-1959
(4)	Ordinary denatured spirit	IS:324-1959
(5)	Alcohol Perfumery grade	IS:1049-1957

NOTE:—If in respect of any type of Ethyl Alcohol specified in column 2 of the above Table, there is any later version of the relevant specifications by the Indian Standard Institution, the specification applicable to such ethyl alcohol shall be the latest of such version and not the specifications mentioned in the correspondence entry in column 3 thereof.

9. Specification for Xylene

1. Requirements :

1.1 **Description**—The material shall be derived from crude benzole obtained by extraction of the gas produced from coal in coke ovens and retorts, by suitable fractionation and refining after the removal of benzole and toluole or recovered as by-product in petroleum refining or petro-chemical operations. It shall be clear and free from suspended matter and undissolved water.

1.2 The material shall also comply with requirements given in the Table below, when sampled and tested as per the standard procedure approved by the Export Inspection Council.

TABLE

Sl. No.	Characteristic	Requirement
(i)	Specific gravity at:	
	(a) 15.5°/15.5°C	0.860 to 0.875
	(b) 27°/27°C	0.850 to 0.865
(ii)	Distillation range	The difference between the temperature (running points) at which 1 percent and 96 per cent of the volume taken have collected shall not exceed 5°C when the dried sample is tested. This range shall be between 137.0°C and 145.0°C.
(iii)	Residue on evaporation, mg/100 ml, Max.	10*

*A temperature correction of 0.7°C for every 10 mm change of pressure from 760 mm of mercury shall be applied.

2. Packing and marking

2.1 **Packing**—The material shall be packed in amber-coloured glass or other suitable containers compatible with the properties of the material. While sealing, the following precautions shall be observed.

(1) Rubber stoppers or composition corks shall not be used for closing the containers.

(2) Each container shall be protected by a cover of a suitable impervious material over the stopper to keep away moisture and dust from the mouth of the bottle and to protect it while being handled.

(3) Sealing wax or other plastic material, if used, shall be applied in such a way that it does not contaminate the material when the containers are opened.

2.2 **Marking**—The container of Xylene shall be securely closed and shall also prominently display the words :

"HIGHLY FLAMMABLE LIQUID"

"KEEP AWAY FROM HEAT, SPARKS AND OPEN FLAME"

10. Specification for Sodium Citrate (non-pharmacopoeial)

1. **Description**—The material shall be in the form of colourless crystals or white crystalline powder. It shall be anhydrous or may contain two molecules of water of crystallization.

2. Requirements

2.1 **Solubility** : One gram of dehydrated material shall be soluble in 1.5 ml. of water at 25°C and in 0.6 ml. of boiling water.

2.2 The material shall be insoluble in alcohol.

2.3 The material shall also conform to the requirements given in the Table below, when sampled and tested as per the standard procedure approved by the Export Inspection Council.

TABLE

Sl. No.	Characteristic	Requirement
1	2	3
(i)	Purity ($C_6H_5Na_2O_7 \cdot 2H_2O$) on dry basis, per cent by weight, Min.	99

(1)	(2)	(3)
(ii)	Moisture, per cent by weight Max	
	(a) Anhydrous	1
	(b) Dehydrate	13
(iii)	Alkalinity, oxalate and substances, readily carbonizable	*To pass the test
(iv)	Arsenic (as As), on dry basis, mg/kg., Max.	3
(v)	Lead (as Pb), on dry basis, mg/kg., Max.	10

*Test for :

Alkalinity—A 5 per cent solution of the material in water is alkaline to litmus paper but after the addition of 0.2 ml of sulphuric acid (0.1 N) no pink colour shall be produced by one drop of phenolphthalein.

Oxalate—Dissolve one gram of the material in a mixture of 1 ml of water and 3 ml of dilute hydrochloric acid. Add to it 4 ml of 90 per cent alcohol and 4 drops of calcium chloride solution. Allow to stand for one hour. The mixture shall remain clear.

Readily carbonisable substances—Take 10 ml of sulphuric acid (94.5 to 95.5 per cent of H_2SO_4) in a test tube and add one gram of the material. Heat in a boiling water-bath per one hour. Not more than a pale brown colour shall be produced.

3. **Packing**—The material shall be securely packed in well-filled containers with minimum access to light and moisture. The containers shall be such as to preclude contamination of the contents with metals or other impurities.

[No. 6(3)/73-EI & EP]

M. K. B. BHATNAGAR, Under Secy.

(संयुक्त मुख्य नियंत्रक, आपात-निर्यात का कार्यालय)

आदेश

बम्बई, 26 जून, 1973

विषय—सर्वश्री जमनादास रामकिशन दास एण्ड कंपनी, वाराणसी को जारी किए गए (1) लाइसेंस सं. 2647525 दिनांक 18-8-1972 मूल्य 962 रुपये (सीमाशुल्क कार्यसंबंधी प्रति तथा मुद्रा विनिमय नियंत्रण प्रति) (2) 2647524 दिनांक 18-8-1972 मूल्य 1318 रुपये (सीमाशुल्क कार्यसंबंधी प्रति तथा मुद्रा विनिमय नियंत्रण प्रति) को रद्द करना।

का. आ. 451—सर्वश्री जमनादास रामकिशन दास एण्ड कंपनी विश्वनाथ लेन वाराणसी को आर. ई. पी. योजना के अन्तर्गत अपरिस्कृत हाथी दांत अर्थात् छोटे गजदन्त/पूरे गजदन्त के आपात के लिए लाइसेंस सं. (1) 2647525 मूल्य 962 रुपये (2) 2647524 दिनांक 18-8-72 मूल्य 1318 रुपये स्वीकृत किए गए थे।

उन्होंने उपर्युक्त लाइसेंसों की अनुलिपि प्रतियाँ (सीमाशुल्क कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण दोनों प्रतियाँ) के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल प्रतियाँ खो गई/अस्थानस्थ हो गई हैं।

आगे यह बताया गया है कि उक्त मूल लाइसेंस सीमाशुल्क प्राधिकारियों से पंजीकृत नहीं करवाए गए हैं और उनका उपयोग नहीं किया गया है।

अपने दावे के समर्थन में आवेदक ने एक शपथपत्र दाखिल किया है।

मैं संतुष्ट हूँ कि लाइसेंस सं. 2647525 दिनांक 18-8-72 तथा 2647524 दिनांक 18-8-1972 की मूल सीमा-शुल्क कार्यसंबंधी और मुद्रा विनिमय नियंत्रण प्रतियाँ लो गई हैं और निर्देश देता हूँ कि आवेदक को लाइसेंसों की अनुलिपि प्रतियाँ जारी की जानी चाहिए।

लाइसेंस की मूल सीमा-शुल्क कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण प्रतियाँ रद्द की जाती हैं।

[मि. स. 44/75292/ए.जे. 69/एल/एस सीबी-से जारी]

डी. डी. सूजा, मुख्य नियंत्रक,
कृत संयुक्त मुख्य नियंत्रक,

(Office of the Jt. Chief Controller of Imports and Exports)

Bombay, 29th June, 1973

SUB:—Cancellation of licences Nos. (i) 2647525 dated 18-8-1972 for Rs. 962 (Customs purpose copy and exchange control copy) (ii) 2647524 dated 18-2-1972 for Rs. 1318 (custom purpose and exchange control copy) issued to M/s. Jamnadas Ramkissandas & Co., Varanasi.

S.O. 451.—M/s. Jamnadas Ramkissandas and Co., Vinwanath Lane, Varanasi have been granted licences Nos. (i) 2647525 for Rs. 962 (ii) 2647524 dated 18-8-1972 for Rs. 1318 for import of 'Ivory Unmanufactured viz. Baby tasks/Full tusks' under the R.E.P. Scheme.

They have applied for duplicate copies of the licences (both for customs purposes and exchange control copy) on the ground that the original licences have been lost/misplaced.

It is further stated that the said original licence are not registered with the Customs authorities and are not utilised.

In support of their claim, the applicant have filed an affidavit.

I am satisfied that the original copies of customs purposes and exchange control copy of the licences No. 2647525 dt. 18-8-1972 and 2647524 dated 18-8-1972 have been lost and direct that the duplicate copies of the licences should be issued to the applicant firm.

The original custom purposes and exchange control purposes copies of the licence are cancelled.

[File No. 44/75292/A.J. 69/L/SCV.]

D. D'SOUZA, Dy Chief Controller
for Jt. Chief Controller

आवेश

नई दिल्ली, 17 अगस्त, 1973

का. आ. 452.—सर्वश्री एस. एल. प्रकाशन, ए/5, मायापुरी नई दिल्ली के यू. के. के लिए एक्सरे फिल्म के छोड़कर रबड़ ब्लॉकट्स और फोटोग्राफिक नेगेटिव के आयात के लिए 10,000 रुपये का एक आयात लाइसेंस सं. पी/एस/1717589 दिनांक 19-8-72 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि (सीमा-शुल्क कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण दोनों) प्रतियों के लिए इस आधार पर आवेदन किया है कि इसकी मूल प्रतियाँ कारखाने में आग लग जाने के कारण बिल्कुल उपयोग किए बिना ही खत्म हो गई हैं।

2. उपर्युक्त विवरण के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हॉडबुक, 1973-74 की कंडिका 320 के अन्तर्गत यथा अपेक्षित एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि उपर्युक्त लाइसेंस की मूल प्रतियाँ उगके कारखाने में आग लग जाने के कारण खत्म हो गई हैं।

3. आयात नियंत्रण आवेदन, 1955 दिनांक 7-12-1955 की धारा 9 (सी सी) के अन्तर्गत मरे लिए प्रदत्त अधिकारों का प्रयोग कर मैं मूल लाइसेंस (सीमा-शुल्क कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण दोनों प्रतियों) को रद्द करने का आवेदन देता हूँ।

4. आवेदक को अब आयात व्यापार नियंत्रण नियम तथा क्रिया विधि हॉडबुक 1973-74 की कंडिका 320(4) में की गई व्यवस्थाओं के अनुसार अनुलिपि प्रतियाँ (सीमा-शुल्क कार्यसंबंधी तथा मुद्रा विनिमय नियंत्रण दोनों प्रतियाँ) जारी की जा रही हैं।

[संख्या एन/पी/एस-29/एन/ए एम. 72/ए यू. यूटी/सीएलए/1513]

CANCELLATION ORDER

New Delhi, the 17th August, 1973

S.O. 452.—M/s. Shree S.L. Prakashan, A/5, Mayapuri, New Delhi-27 were granted an import licence No. P/S/1717569 dated 19-8-1972 for Rs. 10,000 for U.K. for import of Rubber Blankets and Photographic Negatives excluding X-Ray films. They have applied for issue of duplicate copies (both Custom purpose & Exchange Control purposes) of the said licence on the ground that the original copies thereof have been lost as a result of fire in the factory without having been utilised at all.

2. The applicant has filed an affidavit in support of the above statement as required under para 320 of Import Trade Control Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original copies of the said licence have been lost as a result of fire in his factory.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Control Order, 1955 dt. 7-12-1955, I order the cancellation of the original licence (both Custom purpose & Exchange Control purposes copies).

4. The applicant is now being issued duplicate copies (both Custom & Exchange Control purposes copies) of the aforesaid licence in accordance with the provision of para 320(4) of the Import Trade Control Hand Book of Rules & Procedure, 1973-74.

[File No. NP/S. 29/N/AM. 72/AU. UT/CLA/1513]

आवेश

का. आ. 453.—सर्वश्री सुरेश फुटीवयर, 855-एच, बापा नगर, करौल बाग, नई दिल्ली को 5000 रुपये के दो लाइसेंस सं. पी/एस/1776828 तथा पी/एस/1776829 दोनों का दिनांक 24-5-1972 है और प्रत्येक लेवर स्लिट और लेवर क्रोम के आयात के लिए स्वीकृत किए गए थे। उन्होंने उपर्युक्त लाइसेंसों की अनुलिपि सीमा-शुल्क कार्यसंबंधी प्रतियों के लिए इस आधार पर आवेदन किया है कि मूल सीमा-शुल्क कार्य संबंधी प्रतियाँ किसी भी सीमा-शुल्क कार्यालय में पंजीकृत कराए बिना और उनका बिल्कुल उपयोग किए बिना ही अस्थानस्थ हो गईं/खो गईं हैं।

2. अपने तर्क के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हॉडबुक, 1973-74 की कंडिका 320 के अन्तर्गत यथा अपेक्षित एक स्टाम्प कागज पर एक शपथ पत्र दाखिल

किया है। मैं संतुष्ट हूँ कि उपर्युक्त लाइसेंसों की मूल सीमा-शुल्क कार्यसंबंधी प्रतियाँ छाँ गईं/अस्थानस्थ हो गई हैं।

3. अत्यंतन यथा संशोधित आयात व्यापार नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की धारा 9(सी सी) के अन्तर्गत मेरे लिए प्रदत्त अधिकारियों का प्रयोग कर मैं लाइसेंस सं. पी/एस/1776828 तथा पी/एस/1776829 दोनों का दिनांक 24-5-1972 है, की सीमा-शुल्क कार्यसंबंधी प्रतियों को रद्द करने का आदेश देता हूँ।

4. आवेदक को अब आयात व्यापार नियंत्रण नियम तथा क्रिया-विधि बृहत्, 1973-74 की कड़ीका 320(4) में दी गई व्यवस्थाओं के अनुसार उपर्युक्त लाइसेंसों की अनुलिपि सीमा-शुल्क कार्यसंबंधी प्रतियाँ जारी की जा रही हैं।

[संख्या. पी/एस-84/एन/एम. 72/ए यू-यू टी/सी/एल ए/1555]

के. आर. धीर, उप-मुख्य नियंत्रक,
कृते संयुक्त मुख्य नियंत्रक,

CANCELLATION ORDER

S.O. 453.—M/s. Suresh Footwear, 855-H, Bapa Nagar, Karol Bagh, New Delhi-5 were granted two import licences No. P/S/1776828 and P/S/1776829 both dt. 24-5-72 for Rs. 5000 each for import of Leather Splits and Chrome Splits. They have applied for issue of duplicate Custom purposes copies of the said licences on the ground that the original Custom purposes copies have been misplaced/lost without having been registered with any Custom House and unutilised at all.

2. The applicant has filed an affidavit on stamped paper in support of their contention as required under para 320 of I.T.C. Hand Book of Rules & Procedure, 1973-74. I am satisfied that the original Custom purposes copies of the said licences have been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Trade Control Order, 1955 dated 7-12-1955 as amended upto date, I order the cancellation of the Custom purposes copies of licences Nos. P/S/1776828 and P/S/1776829 both dated 24-5-72.

4. The applicant is now being issued duplicate custom purposes copies of the aforesaid licences in accordance with the provision of para 320(4) of the I.T.C. Hand Book of Rules & Procedure, 1973-74.

[File No. P/S. 84/N/AM. 72/AU. UT/CLA/1555]

K. R. DHEER,
Dy. Chief Controller
for Jt. Chief Controller

आदेश

बम्बई 29 अगस्त, 1973

का. आ. 454.—सर्वश्री एक्सपो. फर्मा, इन्दौर म. प्र. के निम्नलिखित शर्तों के अधीन निर्यात/प्रतिबंधित मर्चों को छोड़कर एरोमैटिक रसायनों, वीथिए अप्रैल-मार्च, 1972 नीति पुस्तक का परिशिष्ट 28, बिस्मथ, लवंग तेल धनिया-तेल के आयात के लिए लाइसेंस सं पी/एस/1710661 (2) पी/एस/1710662 और (3) पी/एस/1710663 सभी का दिनांक 1-9-1971 है और (1) मूल्य 26,950 रु. (2) 13,475 रु. तथा 13,475 रु. हैं, स्वीकृत किए गए थे :—

“यह लाइसेंस इस शर्त के अधीन जारी किया जाता है कि इस के अन्तर्गत आयातित माल की सभी मर्चों का उपयोग लाइसेंसधारी के कारखाने में जिस का पता उस

आवेदन पत्र में दिया गया है जिसके मर्चों लाइसेंस जारी किया गया है, और उस उद्देश्य के लिए जिस के लिए लाइसेंस जारी किया गया है प्रयोग किया जाएगा या अन्य किसी भी विनिर्माता एकक के कारखाने में संसाधित किया जा सकता है किन्तु उस के किसी भी भाग को किसी भी अन्य पार्टी को बचने, प्रयोग करने या अन्य किसी भी विधि से प्रयोग करने की अनुमति नहीं दी जाएगी। लेकिन, किसी अन्य के कारखाने में संसाधित किए गए ऐसे माल का प्रयोग लाइसेंसधारी द्वारा लिए गए विनिर्माण कार्यों में ही किया जाएगा। लाइसेंसधारी लाइसेंस के मर्चों आयातित माल के उप-भाग और उपयोग का निर्धारित विधि से लेखा रखेगा और ऐसे लेखों को लाइसेंस प्राधिकारी, प्रायोजक प्राधिकारी या अन्य किसी संबंध प्राधिकारी को, ऐसे प्राधिकारी द्वारा निर्धारित समय के भीतर प्रस्तुत करेगा।”

2. तत्पश्चात् उन्हें एक कारण बताओ सूचना सं. 1/243/71/ए यू/इन्फ दिनांक 12-2-1972 यह पूछते हुए जारी की गई थी कि 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किए उक्त लाइसेंस को धारा 9, उपधारा (सी सी) के अनुसार क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उपर्युक्त लाइसेंस मिथ्यानिरूपण द्वारा प्राप्त किए गए हैं।

3. उपर्युक्त कारण बताओ सूचना के उत्तर में सर्वश्री एक्सपो फर्मा, इन्दौर, म.प्र. ने अपने पत्र दिनांक 13-12-1972 में संक्षिप्त रूप में प्रतिवेचित करते हुए एक विस्तृत स्पष्टीकरण प्रस्तुत किया था कि उन्होंने कारखाने में मशीन स्थापित करने के तत्त्व के मिथ्यानिरूपण के द्वारा लाइसेंस प्राप्त नहीं किए थे अपितु लाइसेंसों के जारी होने में विलम्ब होने के कारण उन्होंने प्रस्तावित मशीन को नहीं खरीदा था और बावजू में उन्होंने मशीन को खरीदने के विचार को छोड़ दिया था और अग्रयुक्त लाइसेंसों को रद्द करने के लिए अभ्यर्पित कर दिया था। उन्होंने अधोहस्ताक्षरी के साथ व्यक्तिगत सुनवाई के लिए भी अनुरोध किया था जिसके लिए उन के प्रतिनिधि को दिनांक 12-12-1972 के लिए अनुमति दे दी गई थी। अपने उपर्युक्त उत्तर में और व्यक्तिगत सुनवाई के समय प्रतिनिधि ने अपने पत्र दिनांक 13-12-1972 में भेजे गए स्पष्टीकरण की पुष्टि की थी।

4. अधोहस्ताक्षरी ने उपर्युक्त प्रतिवेदन की भली-भांति जांच कर ली है और इस परिणाम पर पहुंचा है कि जिस उद्देश्य की पूर्ति के लिए लाइसेंस जारी किए गए हैं उसे वे पूरा नहीं करेंगे।

5. ऊपर की कड़ीका में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा रूप से अप्रभावीत किए जाने चाहिए। इस लिए अधोहस्ताक्षरी आयात (नियंत्रण) आदेश, 1955 की धारा 9 उपधारा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर लाइसेंस सं. पी/एस/170661, पी/एस/1710662 और पी/एस/1710663 सभी का दिनांक 1-9-1971 है और क्रमशः मूल्य 26,950 रु. 13,475 तथा 13,475 रु. हैं, जो सर्वश्री एक्सपो फर्मा, इन्दौर को जारी किए गए थे उन्हें एतद्वारा रद्द करता है।

[संख्या. 1/243/71/ए यू/इन्फ]

ORDER

Bombay, the 29th August, 1973

S.O. 454.—Licences Nos. P/S/1710661, (2) P/S/1710662 and (3) P/S/1710663 all dt. 1-9-71 of the value of Rs. 26950. (2) Rs. 13,475 and Rs. 13,475 for import of Aromatic Chemicals excluding banned/restricted item vide App. 28 of the AM-1972 Policy Book, Bismuth, Clove oil, Coriander oil were

issued to M/s. Expo Pharma, Indore, M.P. subject to the conditions as under :—

"This licence is issued subject to the condition that all items of goods imported under it shall be used only in the licence holder's factory at the address shown in the application against which the licence is issued and for the purpose for which the licence is issued or may be processed in the factory of another manufacturing unit, but no portion thereof shall be sold to any other party or utilised or permitted to be used in any other manner. The goods so processed in another factory shall, however, be utilised in the manufacturing processes undertaken by the licensee. The licensee shall maintain a proper account of consumption and utilisation of the goods imported against the licence in the prescribed manner and produce such account to the licensing authority, sponsoring authority, or any other authority concerned, within such time as may be specified by such authority."

2. Thereafter, a show cause notice No. 1/243/71/AU/Enf. dated 12-2-1972 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that those licences have been obtained by them by misrepresentation in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice, M/s. Expro Pharma, Indore, M. P. had, by their letter dt. 13-2-1972 furnished a detailed explanation stating briefly that they had not obtained import licences by misrepresentation of the fact of installation of the machinery in the factory, but due to delay in issuing import licences they had not purchased the proposed machinery and subsequently dropped the idea of purchasing the proposed machinery and surrendered unutilised licences for cancellation. They had also asked for personal hearing with the undersigned which was allowed to their representative on 12-12-1972. In their said reply and at the time of personal hearing, the representative confirmed the explanation in their letter dated 13-12-1972.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the licences will not serve the purpose for which those have been issued.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licences Nos. P/S/1710661, P/S/1710662 and P/S/1710663 all dated 1-9-1971 for Rs. 26,950/-, Rs. 13,475/- and Rs. 13,475/- respectively issued in favour of M/s. Expo Pharma, Indore.

[No. 1/243/71/AU/Enf.]

आज्ञा

बम्बई 4 दिसम्बर, 1973

का. आ. 455.—सर्वश्री इको स्टील ट्रेडर्स 1/2, सुभाष रोड, इन्दौर को सभी प्रकार की काटिंग शीट काटिंग को छोड़कर सीधी लम्बाई में अथवा लच्छों में एम. एस. शीट काटिंग और नक्सवाली शीट्स के आयात के लिए 5,000 रुपये के लाइसेंस सं. पी/एस/8232768/सी/एक्स एक्स/45/बी/33-34 तथा पी/एस/8232769/आर/एम एल/45/बी/33-34 दोनों का दिनांक 16-11-1972 इस शर्त के अधीन जारी किए गए थे :—

"यह लाइसेंस इस शर्त के अधीन जारी किया जाता है कि इनके अन्तर्गत आयातित माल की मक्कों का उपयोग लाइसेंस-धारी के कारखाने में किया जाएगा जिस का पता आवेदन-पत्र में दिया गया है और जिसके आधार पर यह लाइसेंस जारी किया गया है और जिस उद्देश्य की पूर्ति के लिए यह लाइसेंस जारी किया गया है या किसी अन्य विनिर्माण करने वाले एकक के कारखाने में संसाधित की जा सकती है किन्तु इसके किसी भी भाग को किसी भी अन्य पार्टी को बेचने अथवा उपयोग करने अथवा किसी भी अन्य विधि से उप-

योग के लिए अनुमति नहीं दी जाएगी। लेकिन किसी अन्य के कारखाने में संसाधित किए गए ऐसे माल का उपयोग लाइसेंस-धारी द्वारा लिए गए विनिर्माण प्रयोजनों के लिए किया जाएगा। लाइसेंस-धारी लाइसेंस के मक्के उपभाग और उपयोग का निर्धारित विधि से लेखा रखेगा और ऐसे लेखों का लाइसेंस प्राधिकारी, प्रायोजक प्राधिकारी या किसी अन्य संबंधित प्राधिकारी को उनके द्वारा निर्धारित समय के भीतर प्रस्तुत करेगा।"

2. तत्पश्चात् उन्हें एक कारण बताओ सूचना सं. 1/95/73/आई एंड एस/इन्फ/2523 दिनांक 13-9-73 यह पृष्ठते हुए जारी की गई थी कि 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किए गए उपर्युक्त लाइसेंसों की धारा 9 उप-धारा (ए) तथा सीसी के अंतर्गत क्यों न रद्द कर दिया जाना चाहिए और उन्हें इस आधार पर कि उन्होंने लाइसेंस मिथ्यानिर्माण द्वारा प्राप्त किए थे और जिस उद्देश्य के लिए लाइसेंस जारी किए गए थे वे उसे पूरा नहीं करेंगे।

3. उपर्युक्त कारण बताओ सूचना जो कि उनके नए पते अर्थात् सर्वश्री इको स्टील ट्रेडर्स 78, मलहारपल्लन, इन्दौर पर भेजी गई थी वह हाक प्राधिकारियों द्वारा "पता नहीं" की टिप्पणी के साथ बिना वाटे लौटा दी गई है।

4. अधोहस्ताक्षरी ने मामले की भली भांति जांच कर ली है और इस परिणाम पर पहुंचा कि लाइसेंस जिस उद्देश्य की पूर्ति के लिए जारी किए गए थे वे उसे पूरा नहीं करेंगे और इन्हें मिथ्यानिर्माण द्वारा प्राप्त किया गया है।

5. ऊपर की कीटिका में जो कुछ बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी संतुष्ट हैं कि बिषयाधीन लाइसेंस रद्द अथवा अन्यथा रूप से अप्रभावीत किए जाने चाहिए। इसलिए अधोहस्ताक्षरी आयात (नियंत्रण) आदेश, 1955 की धारा 9 उप-धारा (ए) तथा (सी सी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री इको स्टील ट्रेडर्स 1/2 सुभाष रोड, इन्दौर म. प्र. को 5,000 रुपये के लिए जारी किए गए आयात लाइसेंस सं. पी/एस/8232768/सी/एक्स एक्स/45 बी/33-34 तथा पी/एस/8232769/आर/एम एल/45/बी/33-34 दोनों का दिनांक 16-11-1972 को एतद्वारा रद्द करता है।

[सं. 1/95/73/आई एंड एस/इन्फ/3144-3145]

बी. सी. बनर्जी, उप-मुख्य नियंत्रक

ORDER

Bombay, the 4th December, 1973

S.O. 455.—Licences Nos. P/S/8232768/C/XX/45/B/33-34 and P/S/8232769/R/ML/45/B/33-34 both dt. 16-11-72 of the value of Rs. 5,000/- each for import of M.S. Sheet cuttings and defective sheets in straight lengths or in colls excluding all coated sheet cuttings and defectives were issued to M/s. Eko Steel Traders, 1/2, Subhash Road, Indore, M.P. subject to the conditions as under :

"This licence is issued subject to the condition that all items of goods imported under it, shall be used only in the licence holder's factory, at the address shown in the application against which the licence is issued; and for the purpose for which the licence is issued or may be processed in the factory or another manufacturing unit, but no portion thereof shall be sold to any other party or utilised or permitted to be utilised in any other manner. The goods so processed in another factory shall, however be utilised in the manufacturing processes undertaken by the licensee. The licensee shall maintain a proper account of consumption and utilisation of the goods imported against the licence in the prescribed manner and produce such account to the

sponsoring authority or any other concerned authority within such time as may be specified by such authority".

2. Thereafter, a show cause notice No. 1/95/73/I&S/Enf/2523 dated 13-9-1973 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that the licences have been obtained by misrepresenting and that the licences will not serve the purpose for which they have been issued in terms of Clause 9, sub-clause (a) and (cc).

3. The said show cause notice which was issued at their new address, viz : M/s. Eko Steel Traders, 76 Malharpalton, Indore has been returned undelivered by the postal authorities with remarks "Not Known".

4. The undersigned has carefully examined the case and has come to the conclusion that the import licences will not serve the purpose for which they have been issued and that the import licences have been obtained by misrepresentation.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (a) and (cc) of the Imports (Control) Order, 1955 hereby cancel the licences Nos. P/S/8232768/C/XX/45/B/33-34 and P/S/8232769/R/ML/45/B/33-34 both dated 16-11-1972 for Rs. 5,000/- each issued in favour of M/s. Eko Steel Traders, 1/2, Subhash Road, Indore, M.P.

[No. 1/95/73/I&S/Enf./3144-3145]

B. C. BANERJEE, Dy. Chief Controller

आवृत्ति

नई दिल्ली, 13 दिसम्बर, 1973

का. आ. 456.—सर्वश्री दिल्ली क्लोथ एंड जेनरल मिल्स लि., बाड़ा हिन्दू राव, दिल्ली को अप्रैल-मार्च 1970 की रेटबुक के भा-1 के परिशिष्ट 24 के अनुसार स्वीकृत किस्म के कोलतार रंगों तथा अप्रैल-मार्च 1970 अवधि की रेटबुक भा. 2 की एन्ट्रि संख्या 140 में वर्ग-1 के सामने कालम 4 में उल्लिखित रसायनों किन्तु सोडियम नाइट्रेट को छोड़कर के आयात के लिए 100167 रु. का एक आयात लाइसेंस सं. पी/एल/2602247/सी दिनांक 16-10-69 स्वीकृत किया गया था। उन्होंने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हॉडबुक, 1973-74 की कंडिका 320 के अन्तर्गत यथा अपीक्षित एक शपथ पत्र दाखिल किया है जिसमें उन्होंने बताया कि लाइसेंस सं. पी/एल/2602247/सी दिनांक 16-10-69 मूल्य 100167 रु. की सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है। उन्होंने आगे यह बताया है कि मूल सीमाशुल्क कार्यसंबंधी प्रति बम्बई सीमाशुल्क कार्यालय में पंजीकृत कराई गई थी और 83780 रु. तक के लिए उसका उपयोग कर लिया गया है। अब उन्होंने शेष मूल्य अर्थात् 16387 रु. के लिए अनुमतिप सीमाशुल्क कार्यसंबंधी प्रति के लिए अनुरोध किया है।

2. मैं संतुष्ट हूँ की उक्त लाइसेंस की सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है।

3. अद्यतन तथा संशोधित आयात व्यापार नियंत्रण आवृत्ति, 1955 दिनांक 7-12-55 की धारा 9 (सी) के अन्तर्गत प्रदत्त अधिकांश का प्रयोग कर उपर्युक्त लाइसेंस सं. पी/एल/2602247/सी/मूल्य 100167 रु. (सीमाशुल्क कार्यसंबंधी प्रति मात्र) को एन्ट्रि द्वारा रद्द किया जाता है।

4. आवृत्ति को अब आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हॉडबुक 1973-74 की कंडिका 320 की व्यवस्थाओं के अनुसार शेष मूल्य अर्थात् 16387 रु. के लिए अनुमतिप सीमाशुल्क कार्यसंबंधी प्रति अलग से जारी की जा रही है।

[संख्या: काटन-8/ए जे-69/एस सी/5/सी एल ए/4868]

ORDER

New Delhi, the 13th December, 1973

S.O. 456.—M/s. Delhi Cloth & General Mills Co. Ltd., Bara Hindu Rao, Delhi, were granted Import Licence No. P/L/2602247/C dated 16-10-69 for Rs. 1,00,167 for import of Coaltar Dyes/Permissible varieties as per App. 24 of Red Book Vol. I of A.M. 70 Period/and Chemicals, these mentioned in Col. 4 against Group No. 1 page 140 of Red Book Vol. II of A.M. 70 Pd. Except sodium nitrite. They have filed an affidavit as required under para 320 of Import Trade Control Hand Book of Rules & Procedure 1973-74 wherein they have stated that Customs Purposes Copy of Licence No. P/L/2602247 dated 16-10-69 for Rs. 1,00,167 has been lost/misplaced. They have further stated that the original custom purposes copy registered with Bombay Customs House has been utilised upto Rs. 83,780. They have requested for issue of duplicate Customs Purposes Copy for the balance value of Rs. 16,387 only.

2. I am satisfied that the Customs Purposes copy of the said licence have been lost/misplaced.

3. In exercise the powers conferred on me under subject clause 9(C) in the Import Trade Control Order 1955 dated 7-12-55 as amended upto date, the said licence No. P/L/2602247/C dated 16-10-69 for Rs. 1,00,167 (Customs Purposes Copy only) is hereby cancelled.

4. The applicant is now being issued a duplicate Customs Purposes Copy of the licence for the balance value of Rs. 16,387 in accordance with the provisions of para 320 of Import Trade Control Hand Book of Rules and Procedure, 1973-74.

[F. No. COTTON-8/AJ-69/SC/V/CLA./4868]

आवृत्ति

का. आ. 457.—सर्वश्री दिल्ली क्लोथ एंड जेनरल मिल्स लि., बाड़ा हिन्दू राव, दिल्ली को अप्रैल-मार्च 1972 की रेटबुक के भा-1 के परिशिष्ट 24 के अनुसार स्वीकृत किस्म के कोलतार रंगों तथा सूची के अनुसार अन्य मवों के आयात के लिए 334799 रु. का एक आयात लाइसेंस सं. पी/एल/2622745/सी दिनांक 26-10-71 स्वीकृत किया गया था। उन्होंने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हॉडबुक, 1973-74 की कंडिका 320 के अन्तर्गत यथा अपीक्षित एक शपथपत्र दाखिल किया है जिसमें उन्होंने बताया है कि लाइसेंस सं. पी/एल/2622745/सी दिनांक 26-10-71 मूल्य 334799 रु. की सीमा शुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है। उन्होंने आगे यह बताया है कि मूल सीमाशुल्क कार्यसंबंधी प्रति बम्बई सीमाशुल्क कार्यालय में पंजीकृत कराई गई थी और 81868 रु. तक के लिए उसका उपयोग कर लिया गया है। अब उन्होंने शेष मूल्य अर्थात् 252931 रु. के लिए अनुमतिप सीमाशुल्क कार्यसंबंधी प्रति के लिए अनुरोध किया है।

2. मैं संतुष्ट हूँ की उक्त लाइसेंस की सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है।

3. अद्यतन तथा संशोधित आयात व्यापार नियंत्रण आवृत्ति, 1955 दिनांक 7-12-55 की धारा 9 (सी) के अन्तर्गत प्रदत्त अधिकांश का प्रयोग कर उपर्युक्त लाइसेंस सं. पी/एल/2622745 मूल्य

334799 रु. (सीमाशुल्क कार्यसंबंधी प्रति मात्र) को एतद्वारा रद्द किया जाता है।

4. आवेदक को अब आयात व्यापार नियंत्रण नियम तथा क्रिया विधि हैंडबुक 1973-74 की कंडिका 320 की व्यवस्थाओं के अनुसार शेष मूल्य अर्थात् 252931 रु. के लिए अनुलिपि सीमा-शुल्क कार्य-संबंधी प्रति अलग से जारी की जा रही है।

[सं. काटन-15/जे एम/71/एस सी-5/सी. एल. ए/4911]

ORDER

S.O. 457.—M/s. Delhi Cloth and General Mills Co. Ltd., Bara Hindu Rao, Delhi were granted import licence No. P/L/2622745/C dated 26-10-71 for Rs. 3,34,799 for import of Coaltar Dyes Permissible varieties as per Appx. 24 of Vol. I of AM. 72 and other items as per list attached. They have filed an affidavit as required under para 320 of Import Trade Control Hand Book of Rules and Procedure, 1973-74 wherein they have stated that Customs Purposes Copy of Licence No. P/L/2622745/C dated 26-10-71 for Rs. 3,34,799 has been lost/misplaced. They have further stated that the original custom purposes copy registered with Bombay Customs House has been utilised up to Rs. 81,868 they have requested for issue of duplicate Customs Purposes Copy for the balance value of Rs. 2,52,931.

2. I am satisfied that the Customs Purposes copy of the said licence have been lost/misplaced.

3. In exercise the powers conferred on me under subject Clause 9(c) in the Import Trade Control order 1955 dated 7-12-1955 as amended upto date, the said licence No. P/L/2622745/C for Rs. 3,34,799 (Customs Purposes Copy only) is hereby cancelled.

4. The applicant is now being issued a duplicate Customs Purposes copy of the licence for the balance value of Rs. 2,52,931 in accordance with the provisions of para 320 of Import Trade Control Hand Book of Rules and Procedure, 1973-74.

[F. No. COTTON/15/JM/71/SC.-V/CLA/4911]

आवृश

का. आ. 458.—सर्वश्री दिल्ली क्लॉथ एंड जेनरल मिल्स लि. बाड़ा हिन्दू राव, दिल्ली को अप्रैल-मार्च 1971 की रेंडबुक के वा.-1 के परिशिष्ट 24 के अनुसार स्वीकृत किस्म के कोलतार रंगों तथा संलग्न सूची के अनुसार अन्य मवों के आयात के लिए 3,38,845 रु. का एक आयात लाइसेंस सं. पी/एल/2620524/सी दिनांक 23-4-71 स्वीकृत किया गया था। उन्होंने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हैंडबुक, 1973-74 की कंडिका 320 के अन्तर्गत यथा अपेक्षित एक शपथपत्र दाखिल किया है जिसमें उन्होंने बताया है कि लाइसेंस सं. पी/एल/2620524/सी दिनांक 23-4-71 मूल्य 338845 रुपये की सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है। उन्होंने आगे यह बताया है कि मूल सीमाशुल्क कार्यसंबंधी प्रति बम्बई सीमाशुल्क कार्यालय में पंजीकृत कराई गई थी और 108369 रु. तक के लिए उपयोग कर लिया गया है।

अब उन्होंने शेष मूल्य अर्थात् 170476 रु. के लिए अनुलिपि सीमाशुल्क कार्यसंबंधी प्रति के लिए अनुरोध किया है।

2. मैं संतुष्ट हूँ कि उक्त लाइसेंस की सीमाशुल्क कार्यसंबंधी प्रति खो गई अथवा अस्थानस्थ हो गई है।

3. अद्यतन यथा संशोधित आयात व्यापार नियंत्रण आवृश, 1955 दिनांक 7-12-55 की धारा 9 (सी) के अन्तर्गत प्रदत्त अधि-कारों का प्रयोग कर उपर्युक्त लाइसेंस सं. पी/एल/2620524/सी

मूल्य 338845 रु. (सीमाशुल्क कार्यसंबंधी प्रति मात्र) को एतद्वारा रद्द किया जाता है।

4. आवेदक को अब आयात व्यापार नियंत्रण नियम तथा क्रिया विधि हैंडबुक 1973-74 की कंडिका 320 की व्यवस्थाओं के अनुसार शेष मूल्य अर्थात् 170476 रु. के लिए अनुलिपि सीमा-शुल्क कार्य-संबंधी प्रति अलग से जारी की जा रही है।

[संख्या: काटन-18/ओ डी-70/एस सी/5-सी एल ए/4997]

ORDER

S.O. 458.—M/s. Delhi Cloth and General Mills Co. Ltd., Bara Hindu Rao, Delhi, were granted import L. No. P/L/2620524/C dated 23-4-71 for Rs. 3,38,845 for import of Coaltar Dyes/Permissible Varieties as per Appx. 24 of Vol. I of AM-71 Red Book and other items as per list attached. They have filed an affidavit as required under para 320 of Import Trade Control Hand Book of Rules and procedure, 1973-74 wherein they have stated that Customs Purposes Copy of licence No. P/L/2620524/C dated 23-4-71 for Rs. 3,38,845 has been lost/misplaced. They have further stated that the original Customs Purposes Copy Registered with Bombay Customs House has been utilised upto Rs. 1,68,369. Now they have requested for issue of duplicate Customs Purposes Copy for the balance value of Rs. 1,70,476.

2. I am satisfied that the Customs Purposes copy of the said licence have been lost or misplaced.

3. In exercise the powers conferred on me under subject Clause 9(c) in the Import Trade Control Order 1955 dated 7-12-1955 as amended upto date, the said licence No. P/L/2620524/C for Rs. 3,38,845 (Custom Purposes Copy only) is hereby cancelled.

4. The applicant is now being issued a duplicate Customs Purposes Copy of the licence for the balance value of Rs. 1,70,476 in accordance with the provisions of para 320 of Import Trade Control Hand Book of Rules and Procedure, 1973-74.

[No. COTTON-18/OD-70/SC/V-CLA/4997]

आवृश

का. आ. 458.—सर्वश्री दिल्ली क्लॉथ एंड जेनरल मिल्स लि., बाड़ा हिन्दू राव, दिल्ली को अप्रैल-मार्च 1970 की रेंडबुक के वा.-1 के परिशिष्ट 24 के अनुसार स्वीकृत किस्म के कोलतार रंगों तथा संलग्न सूची के अनुसार अन्य मवों के आयात के लिए 3,38,845 रु. का एक आयात लाइसेंस सं. पी/एल/2620524/सी दिनांक 23-4-71 स्वीकृत किया गया था। उन्होंने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि हैंडबुक, 1973-74 की कंडिका 320 के अन्तर्गत यथा अपेक्षित एक शपथपत्र दाखिल किया है जिसमें उन्होंने बताया है कि लाइसेंस सं. पी/एल/2620524/सी दिनांक 23-4-71 मूल्य 338845 रुपये की सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है। उन्होंने आगे यह बताया है कि मूल सीमाशुल्क कार्यसंबंधी प्रति बम्बई सीमाशुल्क कार्यालय में पंजीकृत कराई गई थी और 108369 रु. तक के लिए उपयोग कर लिया गया है।

अब उन्होंने शेष मूल्य अर्थात् 170476 रु. के लिए अनुलिपि सीमाशुल्क कार्यसंबंधी प्रति के लिए अनुरोध किया है।

2. मैं संतुष्ट हूँ कि उक्त लाइसेंस की सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है।

3. अद्यतन यथा संशोधित आयात व्यापार नियंत्रण आवृश, 1955 दिनांक 7-12-55 की धारा 9 (सी) के अन्तर्गत प्रदत्त अधि-कारों का प्रयोग कर उपर्युक्त लाइसेंस सं. पी/एल/2620524/सी

मूल्य 148738 रु. (सीमाशुल्क कार्यसंबंधी प्रति मात्र) का एतद् द्वारा रद्द किया जाता है।

आवेदक को अब आयात व्यापार नियंत्रण नियम तथा क्रिया-विधि 1973-74 की कड़ीका 320 की व्यवस्थाओं के अनुसार शेष मूल्य अर्थात् 47748 रु. के लिए अनुलिपि सीमाशुल्क कार्यसंबंधी प्रति अलग से जारी की जा रही है।

[संख्या: काटन-2/जे एम-69/एस सी-5/सी एल ए/4954]

ए. एल. भल्ला, उप-मुख्य नियंत्रक
कृत संयुक्त मुख्य नियंत्रक,

ORDER

S.O. 459.—M/s. Delhi Cloth and General Mills Co. Ltd., Bara Hindu Rao, Delhi, were granted Import Licence No. P/L/2602734/C dated 25-11-69 for Rs. 1,48,738 for import of Coaltar Dyes permissible varieties as per Appx. 24 of Vol. I Red Book of AM-70 and Chemicals excluding Sodium Nitrite. They have filed an affidavit as required under para. 320 of Import Trade Control Hand Book of Rules and Procedure, 1973-74 wherein they have stated that Customs Purposes Copy of licence No. P/L/2602734/C dated 25-11-69 for Rs. 1,48,738 has been lost/misplaced. They have further stated that the original Custom Purpose Copy Registered with Bombay Customs House has been utilised upto Rs. 1,00,990. Now they have requested for issue of duplicate Customs Purposes Copy for the balance value of Rs. 47,748.

I am satisfied that Customs Purposes Copy of the said licence has been lost/or misplaced.

In exercise the powers conferred on me under subject Clause 9(c) in the Import Trade Control Order 1955 dated 7-12-55 as amended upto date the said licence No. P/L/2602734/C dated 25-11-69 for Rs. 1,48,738 (Custom Purposes Copy only) is hereby cancelled.

The applicant is now being issued a duplicate Customs Purposes Copy of the licence for the balance value of Rs. 47,748 in accordance with the provisions of para 320 of Import Trade Control Hand Book of Rules and Procedure, 1973-74.

[No. COTTON-2/JM-69/SC-V/CLA/4954]

A. L. BHALLA, Dy. Chief Controller,
for Jt. Chief Controller.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आवेश

नई दिल्ली, 4 फरवरी, 1974

का. आ. 460.—सर्वश्री एलिकान इंजीनियरिंग कं. लि., बल्लभ विद्यानगर को 11,50,000 रु. का एक आयात लाइसेंस संख्या पी/सी/2064880/एस/आई बी/45/एच/29-30, दिनांक 1-1-1973 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत कराए बिना और उसका बिल्कुल उपयोग किए बिना ही खो गई/अस्थानस्थ हो गई है। इस तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है।

मैं तबनुसार संतुष्ट हूँ कि लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है। इसलिए यथा संशोधित (नियंत्रण) आवेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (सी सी) के अन्तर्गत प्रवृत्त अधिकारों का प्रयोग कर सर्वश्री एलिकान इंजीनियरिंग कं. लि. बल्लभ विद्यानगर को जारी किए गए उक्त

लाइसेंस संख्या: पी/सी/2064880/एस/आई बी/45/एच 29-30, दिनांक 1-1-1973 को एतद् द्वारा रद्द किया जाता है।

2. उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति अलग से जारी की जा रही है।

[संख्या: सी जी-3/8(32)/70-71/3611]

एस. ए. शेषन, उप-मुख्य नियंत्रक

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 4th February, 1974

S.O. 460.—M/s. Elecon Engineering Co. Ltd., Vallabh Vidyanagar were granted an import licence No. P/C/2064880/S/IB/45/H/29-30 dated 1-1-1973 for Rs. 11,50,000. They have applied for the issue of a duplicate Exchange Control purposes copy of the said licence on the ground that the original Exchange Control purpose copy has been lost/misplaced without having been registered with any Customs authorities and utilised at all. In support of this contention, the applicant has filed an affidavit.

I am accordingly satisfied that the original Exchange Control purpose copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order 1955 dated 7th December, 1955 as amended, the said licence No. P/C/2064880/S/IB/45/H/29-30 dated 1-1-1973, issued to M/s. Elecon Engineering Co. Ltd., Vallabh Vidyanagar is hereby cancelled.

2. A duplicate Exchange Control purpose copy of the said licence is being issued separately to the licensee.

[No. CG. III/8(32)/70-71/3611]

S. A. SESHAN, Dy. Chief Controller

आवेश

नई दिल्ली, 1 फरवरी, 1974

का. आ. 461.—सर्वश्री बाहरिंगर नोल लि., बम्बई को परिचमी जर्मनी क्रेडिट के अन्तर्गत 4,50,000 रुपये मूल्य का एक लाइसेंस सं. पी/डी/1375254 दिनांक 22-11-72 इससे संलग्न सूची के अनुसार कच्चे माल के आयात के लिए प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी करने के लिए इस कार्यालय से इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति सीमाशुल्क कार्यालय, बम्बई में पंजीकृत कराने के बाद और 26,087 रुपये शेष रहते हुए 4,23,913 रुपये के मूल्य का उपयोग करने के बाद खो गई है।

अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट हैं कि कथित लाइसेंस अर्थात् सं. पी/डी/1375254 दिनांक 22-11-72 की मूल सीमाशुल्क निकासी प्रति खो गई है और निवेश देता है कि इसकी अनुलिपि जारी की जानी चाहिए। मूल सीमाशुल्क निकासी प्रति एतद् द्वारा रद्द की जाती है।

लाइसेंस की मूल सीमाशुल्क निकासी प्रति की अनुलिपि अलग से जारी की जा रही है।

[सं. सी एच/बी. 58 (3) ए. एम. 73/आर एम. 3/1909]

ORDER

New Delhi, the 1st February, 1974

S.O. 461.—M/s. Boehringer—Knoll Limited, Bombay, were granted a licence bearing No. P/D/1375254 dated 22-11-1972 under West German Credit for import of raw materials as per list attached to it valued at Rs. 4,50,000/-. They have requested this office for the issue of duplicate Customs copy of the said licence on the ground that the original Customs copy of the licence has been lost after having been registered with the Bombay Custom House and after having been utilised for a value of Rs. 4,23,913/- leaving a balance of Rs. 26,087/-.

2. In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original Customs copy of the licence referred to viz. No. P/D/1375254 dated 22-11-1972 has been lost and directs that duplicate Customs copy of the licence should be issued. The original Customs copy is hereby cancelled.

3. The duplicate Customs copy of the licence is being issued separately.

[Ref. No. Ch/B-58(3)/A.M. 73/R.M. 3/1909]

आदेश

क्रा. आ. 462.—सर्वश्री मैक लैबोरेटरी प्रा. लि., बम्बई को सामान्य मुद्रा क्षेत्र से कच्चे माल के आयात के लिये 40,000 रु. का एक आयात लाइसेंस संख्या: पी/डी/2189323, दिनांक 23-5-73 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्यसंबंधी प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है। आगे यह निवेदन किया गया है कि विषयाधीन लाइसेंस बिना उपयोग किए ही खो गया/अस्थानस्थ हो गया है और उसे किसी भी सीमाशुल्क समारहता के पास पंजीकृत नहीं करवाया गया था।

2. अपने तर्क के समर्थन में आवेदक ने एक शपथपत्र दाखिल किया है। अधोस्ताक्षरी संतुष्ट है कि लाइसेंस संख्या: पी/डी/2189323, दिनांक 23-5-72 की मूल सीमाशुल्क कार्यसंबंधी प्रति खो गई/अस्थानस्थ हो गई है और निदेश देता है कि उन्हें उक्त लाइसेंस की अनुलिपि सीमाशुल्क कार्यसंबंधी प्रति जारी की जानी चाहिए। लाइसेंस की मूल सीमाशुल्क कार्यसंबंधी प्रति रद्द की जाती है।

[संख्या: सी एच/एम-110(2)/ए एम-72/आर एम-3/1911]

आर. के घोष, उप-मुख्य नियंत्रक,

ORDER

S.O. 462.—M/s. Mac Laboratories Pvt. Ltd., Bombay, were granted licence No. P/D/2189323 dated 23-5-1972 for the import of Raw Materials for Rs. 40,000/- from General Currency Area. They have requested for the issue of a duplicate Customs purposes copy of the licence on the ground that the original Customs purposes copy of the licence has been lost/misplaced. It has been further requested that the licence in question was lost/misplaced without having been utilised and that the same has not been registered with any of the Collector of Customs.

2. In support of their contention, the applicant has filed an affidavit. The undersigned is satisfied that the original Customs purposes copy of licence No. P/D/2189323 dated 23-5-1972 has been lost/misplaced and directs that duplicate Customs purposes copy of the said licence should be issued to them. The original Customs purposes copy of the licence is cancelled.

[Ref. No. Ch/M-110(2)/A.M. 72/R.M. 3/1911]

R. K. GHOSH, Dy. Chief Controller.

औद्योगिक विकास मंत्रालय

नई दिल्ली, 9 जनवरी, 1974

क्रा. आ. 463.—केन्द्रीय सरकार, एतद्वारा अधिसूचित करती है कि केन्द्रीय रेशम बोर्ड अधिनियम 1948 (1948 का 61) की धारा 4 की उपधारा (3) के खण्ड (ग) के अनुसरण में लोक सभा ने 14 दिसम्बर, 1973 को श्री रघुनंदन लाल भाटिया, संसद सदस्य को केन्द्रीय रेशम बोर्ड का सदस्य चुन लिया है।

[सं. 25/1/73-सी. एण्ड एस.]

पी. पी. गुप्ता, उप निदेशक

MINISTRY OF INDUSTRIAL DEVELOPMENT

New Delhi, the 9th January, 1974

S.O. 463.—The Central Government, hereby notified that the Lok Sabha has, in pursuance of Clause (c) of sub-section (3) of Section 4 of the Central Silk Board Act 1948 (61 of 1948), elected on December, 14, 1973, Shri Raghunandan Lal Bhatia, Member of Lok Sabha, to serve as member of the Central Silk Board.

[No. 25/1/73-C&S]

P. P. GUPTA, Deputy Director.

पैट्रोलियम और रसायन मंत्रालय

आदेश

नई दिल्ली, 5 फरवरी, 1974

क्रा. आ. 464.—केन्द्रीय सरकार, आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सीश्लष्ट रबड़ (कीमत नियंत्रण) आदेश, 1969 में और संशोधन करने के लिये निम्नीलिखित आदेश करती है, अर्थात्:—

1. (1) इस आदेश का नाम सीश्लष्ट रबड़ (कीमत नियंत्रण) द्वितीय संशोधन आदेश, 1974 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

2. सीश्लष्ट रबड़ (कीमत नियंत्रण) आदेश, 1969 में,—

(1) खंड 8 का उसका उपखण्ड (1) के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित उपखण्ड (1) में,—

(1) "राज्य सरकार का ऐसा" शब्दों के पश्चात् "राजपत्रित" शब्द अन्तःस्थापित किया जाएगा,

(2) मव (क) में "या किसी व्यक्ति को" और मव (3) में "निरीक्षण करने के लिए प्राधिकृत कर सकेगा" शब्दों का लोप किया जाएगा,

(3) मव (ख) के स्थान पर निम्नीलिखित मव रखी जाएगी, अर्थात्:—

"(ख) ऐसे किन्हीं परिसरों में जहां सीश्लष्ट रबड़ का विनिर्माण या विक्रय किया जाता है या जब नियंत्रक या प्राधिकृत अधिकारी के पास यह विश्वास करने का कारण हो कि इस आदेश का उल्लंघन किया गया है, किया जा रहा है या किया जाना शक्य है, प्रवेश कर सकेगा या तलाशी कर सकेगा या स्टार्कों का अभिग्रहण कर सकेगा।"

- (2) इस प्रकार पुनः संख्यांकित उपखण्ड (1) के पर्याप्त निम्नलिखित उपखण्ड अन्तःस्थापित किया जाएगा, अर्थात् :—

“(2) दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 102 और 103 के उपबन्ध जो तलाशी और अभिग्रहण से सम्बन्धित हैं, आवश्यक, इस खण्ड के अधीन तलाशियों और अभिग्रहणों को लागू होंगे।”

[सं. 8(21)/73-रसायन-1]

विनोद कुमार, संयुक्त सचिव

MINISTRY OF PETROLEUM AND CHEMICALS

ORDER

New Delhi, the 5th February, 1974

S.O. 464.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following order to further amend the Synthetic Rubber (Price Control) Order, 1969, namely :—

1. (1) This order may be called the Synthetic Rubber (Price Control) Second Amendment Order, 1974.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Synthetic Rubber (Price Control) Order, 1969,

(1) clause 8 shall be re-numbered as sub-clause (1) thereof, and in sub-clause (1) as so renumbered,—

(i) after the words “of the State Government” the words, “being a Gazetted Officer”, shall be inserted;

(ii) in item (a), the words “or authorise any person to inspect” shall be omitted;

(iii) for item (b) the following item shall be substituted; namely :—

“(b) enter or search or seize stocks from any premises where synthetic rubber is manufactured or sold or where the Controller or the authorised officer has reason to believe that a contravention of this order has been, is being or is about to be committed.”

(2) after sub-clause (1) as so re-numbered the following sub-clause shall be inserted, namely :—

“(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure 1898 (5 of 1898), relating to search and seizure, shall so far as may be, apply to searches and seizures under this clause.”

[No. 8(21)/73-Ch. I]

VINOD KUMAR, Joint Secy.

बड़ौता, 31 जनवरी, 1974

क्र० प्र० 465.—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत सरकार की अधिसूचना द्वारा गुजरात राज्य नवागांव तेल क्षेत्र में व्ययन स्थल संख्या बी डी डब्ल्यू—बी डी 1 से जी जी एस 1 तक पेट्रोलियम के परिवहन के लिए उन संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जन कर लिया गया है।

और यतः तेल और प्राकृतिक गैस आयोग ने 26-3-1973 को उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (1) में निर्दिष्ट प्रक्रिया को पर्यवसित कर दिया है।

अब यतः पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) नियमावली 1963 के नियम 4 के अधीन सक्षम प्राधिकारी उक्त तारीख को उपर विनिर्दिष्ट प्रक्रिया के पर्यवसान के रूप में एतद्वारा अधिसूचित करता है।

अनुसूची

बी डी डब्ल्यू—बी डी 1 से जी जी एस 1 तक पाइपलाइन की संक्रिया का पर्यवसान

संस्थान का नाम	गांव	सर्वेक्षण संख्या	भारत के राज पक्ष में प्रकाशन की तारीख	संक्रिया के पर्यवसान की तारीख
पेट्रोलियम और रसायन	नवागांव	3904	25-11-72	26-3-73

[संख्या 12016/2/73 एल एण्ड एल]

New Delhi, the 31 January, 1974

S. O. 465.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of Petroleum from drill site No. BDW-BDI to GGS-I in Nawagam oil field in Gujarat State.

And whereas the oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section '1' of section 7 of the said Act on 26.3.73.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in land) Rules 1963, the Competent Authority hereby notified the said date as the date of termination of operation referred to above.

SCHEDULE

Termination of Operation of Pipeline from BDW-BDI to GGS-I

Name of Ministry	Village	S.O.No.	Date of publication in the gazette of India.	Date of termination of operation.
PETROLEUM & CHEMICALS	Nawagam	3904	25-11-72	26-3-73

[No. 12016/2/73 L & L]

क्र० प्र० 466.—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत सरकार की अधिसूचना द्वारा गुजरात राज्य के कलोल तेल क्षेत्र में व्ययन स्थल संख्या 127(के आई टी) से 49 तक पेट्रोलियम के परिवहन के लिए उन संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जन कर लिया गया है।

और यतः तेल और प्राकृतिक गैस आयोग ने 25-11-71 को उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (1) में निविष्ट प्रक्रिया को पर्यवसित कर दिया है।

अब अतः पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) नियमावली 1963 के नियम 4 के अधीन सक्षम प्राधिकारी उक्त तारीख को ऊपर निविष्ट सक्रिया के पर्यवसान के रूप में एतद्वारा अधिसूचित करना है।

अधिन स्थल 127 (के आई डी) से 49 तक पाइपलाइन की सक्रिया का पर्यवसान

संज्ञालय का नाम	गांव	सर्वेक्षण संख्या	भारत के राज-पत्र में प्रकाशन की तारीख	सक्रिया के पर्यवसान की तारीख
पेट्रोलियम और रसायन	पंसार तथा अम्बव-पुरा	1849	7-7-73	25-11-71

[सं० 12016/2/73 एल एण्ड एल]

S. O. 466.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of Petroleum from drill site No. DS127 (KID) to 49 in Kalol oil field in Gujarat State.

AND Whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 25-11-71.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules 1963, the Competent Authority hereby notified the said date as the date of termination of operation referred to above.

SCHEDULE

TERMINATION OF OPERATION OF PIPELINE FROM D.S. 127 (KID) to 49

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum & Chemicals	Pansar Ambav-pura	1849	7-7-73	25-11-71

[No. 12016/2/73/-Lab. Legis]

का० आ० 467.—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत सरकार की अधिसूचना द्वारा गुजरात राज्य नवागांव तेल क्षेत्र में अधिन स्थल संख्या बी ई 1 से बी ई आर तक पेट्रोलियम के परिवहन के लिए उस संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित कर लिया गया है।

और यतः तेल और प्राकृतिक गैस आयोग ने 26-6-73 को उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (1) में निविष्ट प्रक्रिया को पर्यवसित कर दिया है।

अब अतः पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) नियमावली 1963 के नियम 4 के अधीन सक्षम प्राधिकारी

उक्त तारीख को ऊपर निविष्ट सक्रिया के पर्यवसान के रूप में एतद्वारा अधिसूचित करना है।

अनुसूची

अधिन स्थल बी ई 1 से बी ई आर तक पाइपलाइन की सक्रिया का

पर्यवसान

संज्ञालय का नाम	गांव	सर्वेक्षण संख्या	भारत के राज-पत्र में प्रकाशन की तारीख	सक्रिया के पर्यवसान की तारीख
पेट्रोलियम और रसायन	पंसोली नवागांव	1194	28-4-73	26-6-73

[सं० 12016/2/73 एल एण्ड एल]

जे० पी० बालीवाल

गुजरात के लिए अधिनियम के अन्तर्गत सक्षम प्राधिकारी

S. O. 467.—Whereas by the notification of Govt. of India as shown in the schedule appended hereto and issued under sub-section (i) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of Petroleum from drill site No. BEI to BER in Nawagam oil field in Gujarat State.

And whereas the oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 26-6-73.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules 1963, the Competent Authority hereby notified the said date as the date of termination of operation referred to above.

SCHEDULE

TERMINATION OF OPERATION OF PIPELINE FROM D. S. BE 1 TO BER

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum & Chemicals	Pansoli & Nawagam	1194	28-4-73	26-6-73

[No. 12016/2/73/-Lab. & Legis]

J. P. Baliwala

COMPETENT AUTHORITY UNDER THE ACT FOR
GUJARAT

इस्पात और आल संज्ञालय

(आल विभाग)

नई दिल्ली, 2 फरवरी, 1974

का० आ० 468.—यतः केन्द्रीय सरकार को ऐसा प्रतीत होता है कि संलग्न अनुसूची में वर्णित भूमि में से कोयला प्राप्त होने की सम्भावना है;

अतः अब, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार, एतद्वारा उसमें कोयले के लिए पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र की योजना का निरीक्षण, राष्ट्रीय कोयला विकास निगम लिमिटेड (राजस्व अनुभाग) दरभंगा

हैंड्स, रांची के कार्यालय अथवा उपायुक्त, हजारीबाग (बिहार) के कार्यालय में अथवा कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में रुचि रखने वाले सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट समस्त मानचित्र, चार्ट और अन्य दस्तावेज, इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी, राष्ट्रीय कोयला विकास निगम लिमिटेड, दरभंगा हाऊस, रांची को भेजेंगे।

अधिसूची

दामोदर नदी तलहटी (दक्षिण भरतपुरा कोयला क्षेत्र)

डाईंग सं० राजस्व 132/73

तारीख 16-11-73

(पूर्वक्षेत्र के लिए अधिसूचित क्षेत्र)

खण्ड—क

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियाँ
1.	घांगो	बरकागांव	97	हजारीबाग		भाग
2.	घमवा	"	153	"		"
3.	पोटांगा	"	154	"		"
4.	गूरीमारी	"	155	"		"
5.	टोक्सिव	रामगढ़	1	"		"
6.	किरीगरा	"	2	"		"
7.	सांकुल	"	21	"		"

कुल योग 386.79 एकड़ (लगभग)

अथवा 158.55 हेक्टेयर (लगभग)

सीमा वर्णन

- क—ख लाइन दामोदर नदी से होकर गुजरती है, जो ग्राम घांगो और बैव गढ़ की भागत: सामान्य सीमा और ग्राम टोक्सिव से होकर गुजरती है।
- ख—ग लाइन ग्राम टोक्सिव, किरीगरा, सांकुल में दामोदर नदी की भागत: दाहिने किनारे से होकर गुजरती है।
- ग—घ लाइन दामोदर नदी से होकर गुजरती है, जो ग्राम सोहल और सांकुल की भागत: सामान्य सीमा और ग्राम गूरीमारी से होकर गुजरती है।
- घ—क लाइन ग्राम गूरीमारी, पोटांगा, घमवा और घांगो में दामोदर नदी की भागत: सामान्य सीमा के बांये किनारे से होकर गुजरती है और बिन्दु 'क' पर मिलती है।

खण्ड—ख

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियाँ
1.	बसारिया	मांडू	38	हजारीबाग		भाग
2.	बुन्दू	मांडू	39	हजारीबाग		भाग

कुल क्षेत्र 95.13 एकड़ (लगभग)

अथवा 38.50 हेक्टेयर (लगभग)

सीमा वर्णन

- क—ख लाइन दामोदर नदी, जो ग्राम बसारिया और गिडि की भागत: सामान्य सीमा के साथ होकर गुजरती है।
- ख—घ लाइन दामोदर नदी को मध्य रेखा के साथ, जो ग्राम बसारिया की दक्षिणी सीमा के साथ भी और ग्राम

बुन्दू की भागत: दक्षिणी सीमा के साथ होकर गुजरती है।

- घ—ज लाइन ग्राम बुन्दू में दामोदर नदी से होकर गुजरती है।
- ज—झ लाइन ग्राम बुन्दू और बसारिया में दामोदर नदी की भागत: बांये किनारे से होकर गुजरती है और प्रारम्भिक बिन्दु 'क' पर मिलती है।

खण्ड—ग

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियाँ
1.	सिरका	मांडू	136	हजारीबाग		भाग
2.	अरिगवा	"	137	"		"
3.	हेसला	"	138	"		"
4.	चैनगरा	रामगढ़	57	"		"
5.	हेहल	"	58	"		"
6.	बुटवा	"	59	"		"
7.	उरलंग	"	78	"		"
8.	छोटाकेना	"	79	"		"

कुल क्षेत्र 304.89 एकड़ (लगभग)

अथवा 123.38 हेक्टेयर (लगभग)

सीमा वर्णन

- क—ख लाइन ग्राम सिरका में दामोदर नदी से होकर और ग्राम चैनगरा और चोरधरा की भागत: सामान्य सीमा के साथ होकर गुजरती है।
- ख—घ लाइन ग्राम चैनगरा, हेहल, बुटवा, उरलंग और छोटाकेना में दामोदर नदी की भागत: दाहिने किनारे से होकर गुजरती है।
- घ—ज लाइन दामोदर नदी से, जो ग्राम छोटाकेना और पोचरा की भी भागत: सामान्य सीमा और ग्राम हेसला के साथ होकर गुजरती है।
- ज—झ लाइन ग्राम हेसला, अरिगवा और सिरका में दामोदर नदी की भागत: बांये किनारे से होकर गुजरती है और प्रारम्भिक बिन्दु 'क' पर मिलती है।

[फा० सं० को० 5-25(14)/73]

ए० एम० देशपाण्डे, अवसर सचिव

New Delhi, the 2nd February 1974

S.O.468.—WHEREAS it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed :

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi at the office of the Deputy Commissioner, Hazaribagh (Bihar) or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, National Coal Development Corporation Limited, Darbhanga House, Ranchi, within 90 days from the date of publication of this notification.

SCHEDULE

DAMODAR RIVER BED (SOUTH KARANPURA
COAL FIELD)

DRG No. Rev/132/73

Date 16-11-73

Block-A (Area notified for prospecting)

Sl. Village No.	Thana	Thana No.	District Area	Remarks
1. Ango	Barkagaon	97	Hazaribagh	Part
2. Aswa	"	153	"	Part
3. Potanga	"	154	"	Part
4. Urimari	"	155	"	Part
5. Tokisud	Ramgarh	1	"	Part
6. Kirigara	"	2	"	Part
7. Sankul	"	21	"	Part

Total Area 386.79 acres (approx.) or
158.55 hectares (Approx.)

Boundary Description

A-B line passes through River Damodar, which is also the part common boundary of Village Ango and Deogarh and through village Tokisud.

B-C Line passes along the part right Bank of River Damodar in villages Tokisud, Kirigara, Sankul.

C-D line passes through river Damodar which is also the part common boundary of villages Seal and Sankul and through village Urimari.

D-A line passes, along the part left Bank of River Damodar in villages Urimari, Potanga, Aswa and Ango and meets at point 'A'.

BLOCK-B

Sl. Village No.	Thana	Thana No.	District Area	Remarks
1. Basaria	Mandu	38	Hazaribagh	Part
2. Bundu	Mandu	39	Hazaribagh	Part

Total area : 95.13 acres
(approx.)
or : 38.50 hectares
(approx.)

Boundary Description

F-F line passes through River Damodar which is also the part common boundary of villages Basaria and Gidi.

F-G line passes along with Central line of River Damodar which is also the Southern boundary of village Basaria and part Southern Boundary of village Bundu.

G-H line passes through river Damodar in village Bundu.

H-F line passes along the part left bank of River Damodar in villages Bundu and Basaria and meets at Starting point 'E'.

BLOCK-C

Sl. Village No.	Thana	Thana No.	District Area	Remarks
1. Sirka	Mandu	136	Hazaribagh	Part
2. Arigada	"	137	"	"
3. Hesla	"	138	"	"
4. Chaingara	Ramgarh	57	"	"
5. Hehal	"	58	"	"
6. Ghutua	"	59	"	"
7. Urlung	"	78	"	"
8. Chhotakana	"	79	"	"

Total Area : 304.89 acres
(approx.)
or : 123.38 hectares
(approx.)

Boundary Description

I-J line passes through River Damodar in village Sirka and along the part common boundary of villages Chaingara and Chhodhara.

J-K line passes along the part right Bank of River Damodar in villages Chaingara, Hehal, Ghutua, Urlung and Chhotakana.

K-L line passes through river Damodar which is also the part common boundary of villages chhotakana and Pochra and through village Hesla.

L-I line passes along the part left Bank of River Damodar in village Hesla, Arigada, and Sirka and meets at starting point 'I'.

[F. No. C5-25 (14)/73.]

A. S. DESHPANDE

Under Secy.

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 31 जनवरी, 1974

का. आ. 469.—सड़क परिवहन निगम अधिनियम, 1950 (1950 का 64) की धारा 1 की उप-धारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा मार्च, 1974 की पहली तारीख को इस अधिनियम के मणिपुर राज्य में लागू होने की तारीख के रूप में निश्चित करती है।

[24-टी(62)/73]

MINISTRY OF SHIPPING AND TRANSPORT
(Transport Wing)

New Delhi, the 31st January, 1974

S.O. 469.—In exercise of the powers conferred by sub-section (3) of section 1 of the Road Transport Corporations Act; 1950 (64 of 1950), the Central Government hereby appoints the first day of March, 1974 as the date on which the said Act shall come into force in the State of Manipur.

[No. 24-T(62)/73]

नई दिल्ली, 1 फरवरी, 1974

का. आ. 470.—सड़क परिवहन निगम अधिनियम, 1950 (1950 का 64) की धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार दिल्ली प्रशासन, परिवहन के निदेशक श्री जे. एन. गुप्ता को एतद्द्वारा श्री गोरखराम के स्थान पर दिल्ली परिवहन निगम के सदस्य नियुक्त करती है और भारत सरकार नौवहन और परिवहन मंत्रालय की अधिसूचना सा. आ. सं. 255(ई) दिनांक 2 मई, 1973 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, मद् (5) तथा तत्सम्बन्धी प्रविष्टि के स्थान पर निम्नलिखित मद् और प्रविष्टि प्रतिस्थापित की जाये, अर्थात् :—

“(5) श्री जे. एन. गुप्ता, परिवहन निदेशक, दिल्ली प्रशासन।”

[सं. 15-टी. ए. जी.(35)/73]

एन. ए. ए. नारायणन, अवर सचिव

New Delhi, the 1st February, 1974

S.O. 470.—In exercise of the powers conferred by sub-section (1) of section 5 of the Road Transport Corporation Act, 1950 (64 of 1950), the Central Government hereby appoints Shri J. N. Gupta, Director of Transport, Delhi Administration as a member of the Delhi Transport Corporation *vice* Shri Gorakh Ram and makes the following further amendment in the notification of the Government of India in the Ministry of Shipping and Transport, S.O. No. 255(E), dated the 2nd May, 1973, namely,

In the said notification, for item(v) and the entry relating thereto, the following item and entry shall be substituted, namely :—

"(v) Shri J. N. Gupta, Director Transport, Delhi Administration."

[No. 15-TAG(35)/73]

N. A. A. NARAYANAN, Under Secy.

संचार मंत्रालय
(डाक-तार बोर्ड)

नई दिल्ली, 5 फरवरी, 1974

का. आ. 471.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कोडुकेनल टेलीफोन केन्द्र में दिनांक 16-3-74 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-5/74-पी.एच.बी.]

MINISTRY OF COMMUNICATIONS (P & T BOARD)

New Delhi, the 5 February, 1974

S.O. 471.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 16-3-1974 as the date on which the Measured Rate System will be introduced in KODAIKANAL Telephone Exchange, Tamil Nadu Circle.

[No. 5-5/74-PHB]

नई दिल्ली, 7 फरवरी, 1974

का. आ. 472.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खण्ड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने सीकर टेलीफोन केन्द्र में दिनांक 1-3-74 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं. 5-7/74-पी. एच. बी.]

पी. सी. गुप्ता, सहायक महानिदेशक

New Delhi, the 7th February, 1974

S.O. 472.—In pursuance of para (a) of Section III of Rules 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-3-1974 as the date on which the Measured Rate System will be introduced in Sikar Telephone Exchange, Rajasthan Circle.

[No. 5-7/74-P.H.B.]

P. C. GUPTA, Assistant Director General

MINISTRY OF LABOUR

New Delhi, the 6th February 1974

S.O. 473.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bhubaneswar, in the industrial dispute between the employers in relation to the management of Messrs. Bolani Ores Limited, Post Office Bolani, *Via* Barbil, District Keonjhar and their workmen, which was received by the Central Government on the 29th January, 1974.

INDUSTRIAL TRIBUNAL : BHUBANESWAR

Present:

Shri L. Mallick, B. L., Presiding Officer, Industrial Tribunal, Bhubaneswar.

Industrial Dispute Case No. 1 of 1970 (Central)

BETWEEN

The employer in relation to the management of Messrs Bolani Ores Limited, Post Office Bolani, *Via* Barbil, District Keonjhar. First Party

AND

Their Workmen. Second Party

Appearances:

Sri S. B. Sanyal—for the first party
Advocate

Sri J. R. Das—For the second party
General Secretary, Barbil Workers' Union.

AWARD

The Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), by their order No. 10/26/70/I.B. IV dated 22nd October, 1970, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following schedule of disputes to this Tribunal for adjudication.

- "(1) Whether there exists in the establishment of Messrs. Bolani Ores Limited, Post Office Bolani *Via*-Barbil, District Keonjhar, a sound promotion procedure which is not discriminatory to any of the workmen in their mines ?
- (2) Whether the action of the management of Messrs. Bolani Ores Limited, Post Office Bolani *Via*-Barbil, District Keonjhar, in giving lesser pay to Shri A. K. Mallick and Shri Bacha Singh than Shri Sadanand Roy and Shri Pravakaran is justified? If not, to what reliefs, if any, Shri Mallick and Shri Bacha Singh are entitled?
- (3) Whether the action of the management of Messrs. Bolani Ores Limited, Post Office Bolani *Via*-Barbil, District Keonjhar, in fixing higher wages to Shri Dayanidhi Mohanty (and nine other workmen) at Rs. 190/- while fixing the wages as per Wage Board Award as compared to the pay of Rs. 160/- fixed in relation to Shri N. K. Samanto, Shri S. K. Ghose, Shri S. K. Sahon, Shri G. Lakha and Shri H. G. Sahoo, is justified? If not, to what reliefs Shri N. K. Samanto, Shri S. K. Ghose, Shri S. K. Sahoo, Shri G. Lakha and Shri H. G. Sahoo are entitled?
- (4) Whether Shri D. K. Dubey, a Quarry 'C' Clerk employed by the management of Messrs. Bolani Ores Limited, Office Bolani, *Via*-Barbil, District Keonjhar, is entitled for the reliefs granted to Shri Balram Nand Keyollar and Shri Vivekanand, consequent to the promotion of Shri Benjamin Sahoo? If so, from what date?
- (5) Whether the management of Messrs. Bolani Ores Ltd., Post Office Bolani, *Via*-Barabil, District Keonjhar, have rightly fixed the wages of Shri M. S. Nair and thirteen other Mechanical Welders and T. M. Helpers? If not to what reliefs the workmen are entitled?"

2. Since the first party (hereinafter referred to as the management) contended that the Tribunal has got no jurisdiction to adjudicate upon the items Nos. 1, 3 and 5 of the Schedule of reference, the matter was heard preliminarily by my learned predecessor who in his order No. 16 dated 23-7-71 held that the Tribunal had jurisdiction to adjudicate upon the items Nos. 1, 3 and 5 of the Schedule of reference. Against that order, the management filed Original Jurisdiction Case No. 741 of 1971 in the Hon'ble High Court of Orissa and the said Case was disposed of on compromise. As per the terms of compromise, item No. 1 of the reference was given up and items Nos. 3 and 5 were modified. Item Nos. 2 and 4 of the reference remained as such and the matter was remanded to this Tribunal for disposal.

3. The reference as it stands modified by the order of the Hon'ble High Court in O.J.C. No. 741 of 1971 reads as follows :—

- (1) Item No. 1 of the reference made on 22nd October, 1970 by the appropriate Government will not be subject matter of adjudication by the Tribunal.
- (2) Whether the action of the management of Messrs Bolani Ores Limited, Post Office Bolani Via-Barbil, District Keonjhar, in giving lesser pay to Shri A. K. Mallick and Shri Bacha Singh than Shri Sadanand Roy and Shri Pravakaran is justified? If not, to what reliefs, if any, Shri Mallick and Shri Bacha Singh are entitled?
- (3) Whether the action of the Management of Messrs. Bolani Ores Limited, Post Office Bolani Via-Barbil, District Keonjhar, in fixing higher wages to Shri Dayanidhi Mohanty at Rs. 190/- while fixing the wages as per wage Board Award as compared to the pay of Rs. 160/- fixed in relation to Shri N. K. Samanto, Shri S. K. Ghose, Shri S. K. Sahoo, Shri G. Lakra and Shri H. G. Sahoo, is justified? If not, to what reliefs Shri N. K. Samanto, Shri S. K. Ghose, Shri S. K. Sahoo, Shri G. Lakra and Shri H. G. Sahoo are entitled?
- (4) Whether Shri D. K. Dubey, a Quarry 'C' Clerk employed by the management of Messrs. Bolani Ores Limited, Post Office Bolani, Via-Barbil District Keonjhar, is entitled for the reliefs granted to Shri Balram Nand Keyaliar and Shri Vivekanand, consequent to the promotion of Shri Benjamin Sahoo? If so, from what date?
- (5) Whether the management of Messrs. Bolani Ores Limited Post Office Bolani, Via-Barbil, District Keonjhar, have rightly fixed the wages of Shri M. S. Nair and other Mechanical Welders whose names were furnished along with the consolidated demand of 9-4-70 by the Union.

4. In the midst of hearing of the Case and the reference as modified, both parties settled their disputes out of Court and filed the terms of settlement along with a petition praying to pass an award in terms of the settlement.

5. As indicated, above, item No. 1 of the original reference has been given up and as per the terms of settlement, item Nos. 2 and 4 (issue Nos. 2 and 4) have also been given up as not pressed by the Union. Items Nos. 3 and 5 as modified have been settled as per the terms of settlement. Since the parties state that cordial relationship would be maintained and industrial place would be established by the settlement, I feel it proper that an award should be passed as per the terms of settlement. Therefore, the award is passed as per the terms of settlement and the terms of settlement and the petition filed by the parties do form part of the Award.

L. MALLICK, B. L. Presiding Officer.

Dated : the 31st December, 1973.

BEFORE THE HON'BLE PRESIDING OFFICER INDUSTRIAL TRIBUNAL CENTRAL BHUBANESWAR

Industrial Dispute Case No. 1 of 1970 (Central)

BETWEEN

Messrs. Bolani Ores Limited, Keonjhar.

AND

Their Workmen through the General Secretary Barbil Workers' Union Keonjhar.

The Parties above named beg most respectfully to submit as under :

1. That the above matter is pending before the Hon'ble Presiding Officer for adjudication.
2. That the date for hearing has been fixed on 12-12-73.
3. That without prejudice to the respective stands taken by the respective parties in the written statements, both the parties have come to an amicable settlement out of the Court, with a view to maintain cordial relationship and to establish industrial peace, on the following terms :

TERMS OF SETTLEMENT

Issue No. II

The Union agreed to drop this issue.

Issue No. III

Both the parties agreed that Sri N. K. Samanta, Sri S. K. Ghosh, Sri S. K. Sahoo, Sri G. Lakra and Sri H. C. Sahoo who are now drawing basic salary of Rs. 340/- per month in Grade II (Rs. 310-15-445-18-589/-) shall be placed on basic of Rs. 370/- per month with effect from 1-12-73 to bring them at par with Sri Dayanidhi Mohanty in full and final satisfaction of the claim under the Issue No. III.

Issue No. IV

Both the parties agreed that Sri D. K. Dubey who is now drawing a Basic salary of Rs. 340/- per month in the scale of Rs. 290-10-410 shall be placed on a basic salary of Rs. 360/- per month with effect from 1-12-73 in full and final settlement of the claim under Issue No. IV.

Issue No. V

The Union agreed to drop this issue.

That the Management agreed to pay a lump sum of Rs. 1,000/- (Rupees one thousand only) to the Union towards the expenditure incurred in this case.

This settles all claims regarding the concerned disputes and the Union agreed not to raise any dispute consequent to revision of wages through the Settlement.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept the Settlement and give its award in terms thereof.

For Workmen :

For Management :

- | | |
|-----------------------------------|---------------------------------|
| 1. B. SAHU, Vice President | 1. R. K. GANDHI, Superintendent |
| Barbil Workers' Union | Bolani Ores Limited, |
| P.O. Bolani, Dt. Keonjhar. | P.O. Barbil, Dt. Keonjhar. |
| 2. J. R. DASH, General Secretary, | 2. G. PANDA, Personnel |
| Barbil Workers' Union, | Manager, Bolani Ores |
| P.O. Barbil, Dt. Keonjhar. | Limited, |
| | P.O. Bolani via Barbil, |

BEFORE THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, ORISSA, BHUBANESWAR.

Industrial Dispute Case No. 1 of 1970 (Central)

BETWEEN

M/s. Bolani Ores Ltd.,

AND

Their Workmen, through the General Secretary, Barbil
Workers Union, Keonjhar.

The humble petition on behalf of both the parties
most respectfully sheweth :—

1. That on 2nd October, 1970 the appropriate Govern-
ment referred certain Disputes under Sec. 10(1) (d) of the
Industrial Dispute Act, 1947, the issues whereof are as
follows :—

- (i) Whether there exists in the establishment of Messrs.
Bolani Ores Limited, Post Office Bolani, Via.
Barbil, District-Keonjhar a Sound promotion pro-
cedure, which is not discriminatory to any of the
workmen in their mines?
- (ii) Whether the action of the management of Messrs
Bolani Ores Limited, Post Office Bolani, Via Bar-
bil, District-Keonjhar, in giving lesser pay to Shri
A. K. Mallick and Shri Bacha Singh than Shri
Sadanand Roy and Shri Provakaran is justified? If
not, to what reliefs, if any, Shri Mallick and
Shri Bacha Singh are entitled?
- (iii) Whether the action of the Management of Messrs
Bolani Ores Limited, Post Office Bolani, Via
Barbil, District-Keonjhar, in fixing higher wages to
Shri Dayanidhi Mohanty and nine others work-
men at Rs. 190 while fixing the wages as per
Wage Board Award as compared to the pay of
Rs. 160 fixed in relation to Shri N. K. Samanto,
Shri S. K. Ghose, Shri S. K. Sahoo, Shri G.
Lakra and Shri H. G. Sahoo, is justified? If not,
to what reliefs Shri N. K. Samanto, Shri S. K.
Ghose, Shri S. K. Sahoo, Shri G. Lakra and Shri
H. G. Sahoo are entitled?
- (iv) Whether Shri D. K. Dubey, a Quarry 'C' Clerk,
employed by the management of Messrs. Bolani
Ores Limited, Post Office Bolani, Via-Barbil Dis-
trict Keonjhar, is entitled for the reliefs granted to
Shri Balaram Nanda Keyoliar and Shri Viveka-
nanda, consequent to the promotion of Shri Ben-
jamin Sahoo? If so, from what date?
- (v) Whether the management of Messrs. Bolani Ores
Limited, Post Office Bolani, Via-Barbil, District
Keonjhar, have rightly fixed the wages of Shri
M. S. Nair and thirteen other Mechanical welders
and T. M. Helpers? If not to what reliefs, the
workmen are entitled?

2. That on 4-4-72, both the parties before the High
Court entered into Compromise in O.J.C. 741 of 1971 by
which compromise, issue No. I was given up altogether
from being adjudicated by the Tribunal and issue No. III
and 'V' were substantially modified.

3. That during the course of the hearing before this
Hon'ble Tribunal of the Issues as it stood after remand
by the Hon'ble High Court which has been set out by the
management in Para 7 of their subsequent Written State-
ment, the parties have settled their dispute completely and
effectively in relation to all the issues which is just, fair
and equitable.

4. That there exist no dispute between the parties with
respect to the issues referred to for adjudication and there-
fore after incorporating and/or annexing all the terms and
condition of settlement, Award may be made disposing of
the entire reference made by the appropriate Government
on 22nd October, 1970.

Prayer

It is, therefore, prayed that an Award in terms of the
settlement may be made or your Honour may pass such
other order or orders as to your Honours appears fit and
proper.

By the petitioners,

Sd/-
Advocate for Management.
13-12-73

Sd/- (J. R. DASH)
13-12-73

[No. 10/26/70-LRIV]

New Delhi, the 7th February, 1974

S.O. 474.—In pursuance of section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the following award of the Arbitrator in the
industrial dispute between the management of Bhilai Steel
Plant, Bhilai and their workmen represented by Mines
Workers Union, Rajhara Mines, P.O. Delhi Rajhara, District
Durg. (M.P.) which was received by the Central Govern-
ment on the 30th January, 1974.

**ARBITRATION AWARD UNDER SECTION 10A OF
INDUSTRIAL DISPUTES ACT, 1947 IN RESPECT OF
DISPUTE BETWEEN THE MANAGEMENT OF BHILAI
STEEL PLANT AND THEIR WORKMEN REPRESENTED
BY MINES WORKERS UNION, RAJHARAMINES
P.O. DALLI, RAJHARA, DRUG (MP).**

Present:

Shri N. D. Badade, Regional Labour Commissioner (c),
on deputation to Mormugao Dock Labour Board,
Mormugao Harbour, as Deputy Chairman.

Parties:

(A) Representing the Management of Bhilai Steel Plant :

1. Shri R. P. Singh, Sr. Personnel Officer (IR).

(B) Representing Workman :

1. Shri T. A. Menon, General Secretary, Mines Workers
Union.

AWARD

By an Arbitration Agreement dated 15-3-1971 published
in the Gazette of India Part II-Section 3 Sub. Section (ii)
of the Gazettee (Government Order No. L.-26013/1/71-
LRIV dated 17-4-1971) the Parties above mentioned referred
one specific matter in dispute to my arbitration under Section
10A of the I.D. Act, 1947. The Agreement inter alia pro-
vided that the decision of the Arbitration shall be binding
on them. The specific matter in dispute referred to my
arbitration and decision is as follows :—

1. Whether or not Shri B. R. Pillai, Attendant, is entitled
to the post of Head Time Keeper and if so from
what date, bearing in mind the repercussion on
others in the Time-Keeping Section.

This dispute was referred to my arbitration when I was
Regional Labour Commissioner (C), Jabalpur. I was trans-
ferred to Goa as Deputy Chairman, Mormugao Dock Labour
Board, Mormugao Harbour, as such I could not proceed
with the case expeditiously. Parties extended the time limit
with mutual consent from time to time.

The General Secretary, Mines Workers Union, Rajhara
Mines, P.O. Dallli, Rajhara, Distt : Durg (MP) hereinafter
referred to as Union, filed the Written Statement in support
of the claims relating to Shri B. R. Pillai.

The Personnel Manager, Bhilai Steel Plant, representing
Management, hereinafter referred to as Management filed his

rejoinder dated 20-8-1973 to the claim statement submitted by Union.

Vide this Office letter No. MDLB-J81/1(1)/71 dated 20-9-1973, parties were asked to appear before me on 16-10-73 for hearing of the above said reference. But the hearing of the case on 16-10-73 was postponed to 15-10-1973, vide telegram dated 3rd October-73. Accordingly the case came up for hearing on 15-10-1973 when Shri T. A. Menon, General Secretary, Mines Workers Union represented the Union and Shri R. P. Singh, Sr. Personnel Officer (IR) represented the Management.

In addition to their rival stand in their written statement, both the parties advanced their arguments before me on 15-10-1973.

The case of the Union is briefly as under :

Shri B. R. Pillai is the senior most Time Keeper as early as 19-1-1959 at a time when there was no Time-Keeping Organisation in the said Mines belonging to Management. He was maintaining all statutory records under the provisions of the Mines Act. His work was appreciated by one and all including the Inspectorate of Mines. As a Time-Keeper, he was paid at Rs. 2.50 per day at the time of his appointment when others were paid in the scale of Rs. 60-130. He was given the scale of Rs. 60-130 w.e.f. 5-11-1959 by showing him under the work Charged Establishment as Registered Clerk. Shri B. R. Pillai was reduced to a grade of Rs. 60-90 from Rs. 60-130 as Attendant Crushing and Screening Plant in the name of operational appointment w.e.f. 16-4-1962 which was raised to Rs. 110-143 w.e.f. 1-7-62. He was all the while working as Time Keeper although he was shown on various Establishment such as N.M.R. (Time Keeper), Work charged Establishment (Registered Clerk) and Attendant (operation side). He was supposed to have been relieved from the post under Work Charged Establishment as Registered Clerk to hold the post of Attendant (operation side) w.e.f. 16-4-1962 in the scale of Rs. 60-90. When the question of considering the claims of Shri B. R. Pillai arose, his claims for promotion on the operation side were ignored on the ground that he has not been in fact working in the Mechanical side and as such he could not be considered fit for promotion. When the chance of promotion arose on the Time Keeping Organisation artificial difficulty arose since his name was not borne on the Time Keepers cadre in the Time Keeping Organization. These paper difficulties were the creation of the Management itself for which Workman cannot be penalised particularly when his work as Time Keeper throughout his service has been admitted and acknowledged as good. When every employee of the Management has been aspiring for promotion and in fact getting such promotion, the claim of Shri B. R. Pillai for promotion though he has put in 15 years of service as Time Keeper has not been considered which is legitimately due to him on the ground of artificial or paper difficulties and the so called repercussions on other employees. The Union in the light of the above submission demanded that Shri B. R. Pillai be promoted as Head Time Keeper with effect from 13-1-1964 the date on which Shri Kashayap was promoted from the post of Head Time Keeper to Inspector and Attendant benefits accruing from such a promotion—

As against the above claims of the Union, the case of the Management is as under :

1. Shri B. R. Pillai at present Attendant Crushing Plant was initially employed as Time Keeper on NMR at the rate of Rs. 2.50 per day w.e.f. 19-1-1959.

2. Shri B. R. Pillai was brought on work charge establishment as Register Clerk with effect from 5-11-1959 in the scale of Rs. 60-130.

3. Shri B. R. Pillai was selected in the operational establishment, Rajhara Mechanised Mines, as Attendant (Crushing and Screening Plant) in an open interview with effect from 16-4-1972 in the scale of Rs. 60-90 which was later on revised to Rs. 110-143 w.e.f. 1-7-1962. Shri B. R. Pillai remained in the time office and enjoyed the benefits of production Bonus as Attendant in the production group accruable to the Workmen of Crushing Plant. Shri Pillai could not get promotional opportunity in the Crushing Plant, since he was not actually working there. His representation for re-

gularising him as the Time Keeper with effect from 19-1-1959 or 5-11-1959 could not be considered for administrative difficulties which ultimately culminated in the present reference of the dispute for arbitration.

The Management vehemently argued that the conduct of Shri B. R. Pillai in having accepted the benefit accrued to the production group, without protest although he was actually working in the time office, would amount to waiving of his rights of promotion that arise in the Time Keeping Office. It was open to him to have gone to Crushing Section and acquired the skill and experience in that Section so as to entitle himself for promotion. His case for promotion in Crushing Section was rightly rejected by D.P.C.

Since his name was not born in the Time Keeping Section, his case could not be considered for promotion in that establishment. At this stage if his case were to be considered, it will have repercussion on other Employees.

In view of the above submission, the Management requests that reference be rejected.

It is accepted by both the parties that Shri B. R. Pillai was working as Time Keeper since 19-1-1959 when there was no time keeping organisation at all with the Management. It is not in dispute that Shri B. R. Pillai has been working as Time Keeper right from 19-1-1959 though he was shown in different establishment as under :—

Scale of Pay			
Actually working as Time Keeper.	19-1-59	Time Keeper NMR.	Rs. 2.50 per day.
	5-11-59	Register Clerk— Work Charged Establishment.	Rs. 60-130.
	16-4-62	Attendant— Regular Establishment.	
			Rs. 60-90 revised to Rs. 110-143 w.e.f. 1-7-1962.

It could be seen from the above that Shri B. R. Pillai has been working as Time Keeper since the inception of his service and it is not in dispute that his work as Time Keeper was to the entire satisfaction and appreciation of all the concerned authority including the Inspectorate of Mines. It is a fact that Shri Pillai applied for the post of Attendant in the Crushing Plant and he was selected as such. Consequent on the selection of Shri B. R. Pillai, Register Clerk, as Attendant, he was relieved from the Work Charged Establishment (Vide Exhibit-W1). Though he submitted his joining report (Exhibit-W2) to the Crushing Plant, he was not taken there but on the other hand, he was continued as Time Keeper. The Management has not shown any reason let alone valid reason for not acting on the joining report submitted by Shri Pillai. In view of the admitted fact that (a) Shri Pillai was all the while working as Time Keeper irrespective of the designation and establishment in which he was shown (b) his work was acknowledged to be satisfactory and (c) he was not allowed to join the Crushing Plant as Attendant, I have no hesitation to hold that Shri Pillai is entitled to be designated as regular Time Keeper in the Time Keeping Organisation with effect from 5-11-1959 on which date there was nobody working with the Management as Time Keeper. Obviously he becomes the senior most Time Keeper when compared to other Time Keepers who joined the Management with effect from 1-4-1961 and onwards. Since his work as a Time Keeper is admitted to be satisfactory, there is no reason why his claim for promotion to that of Head Time Keeper should not be considered particularly in view of the fact that he is senior most which is not denied by the Management. Since Shri Pillai is to be considered as Regular Time Keeper with effect from 5-11-1959, the other Employees who joined as Time Keeper with effect from 1-4-1961 cannot claim their seniority over Shri B. R. Pillai and as such the contention of the Management that if the claims of Shri B. R. Pillai were to be conceded, it would create repercussion on other Time Keepers, is neither genuine nor just and hence the said contention is rejected as being without any basis.

The other contention of the Management that Shri B. R. Pillai could not be considered for promotion in the Crushing Plant (operation side) for the reason that he has not worked in that Section and has not acquired skill required for promotion and his claim for promotion in the higher posts in Time Keeping Organisation could not be considered for the reason that his name was not borne in the said Establishment, is an artificial complication created by the Management itself for which worker cannot be penalised for no fault of his. Inclusion of his name in Time Keeping Organisation or Crushing Plant for purpose of seniority or promotion, would give rise to repercussion on other employees in the said section cannot be accepted for the reasons already given by me in the previous paras :—

The so called complication or repercussion is a creation of the Management itself and as such the Worker with 15 years unblemished service with the Management cannot be penalised for such lapses of Management.

For the foregoing reasons my Award is as Under :—

1. That Shri B. R. Pillai shall be treated as Regular Time Keeper with effect from 5-11-1959 in the proper scales applicable to the post from time to time and his seniority shall be fixed accordingly.
2. Shri B. R. Pillai being the senior most Time Keeper shall be entitled to promotion for the post of Head Time Keeper when the post of Head Time Keeper occurred after 5-11-1959 i.e. with effect from 13-1-1964 when Shri Kashyap was promoted and posted as Inspector.
3. Shri B. R. Pillai is entitled arrears of wages as being the difference between the salary of Head Time Keeper and his actual salary from 13-1-1964.
4. He is also entitled to consequential benefit as a result of his promotion to the post of Head Time Keeper, such as P.F., Bonus and such other benefits applicable to Head Time Keeper of the Management.
5. Since the Management has denied his legitimate claim/benefits as a result of artificial creation of difficulties by the Management and he has been dragged to undergo hardship by way of representations and this proceedings for no fault of his, I order the Management to pay Rs. 300/- as the cost of this proceedings.

N. D. BODADE,
Regional Labour Commissioner(C)
on Deputation, Dy. Chairman
Mormugao Dock Labour Board and Arbitrator.

Mormugao Hr.
(GOA)
Dt : 21-1-1974

Exhibit—W 1

HINDUSTAN LIMITED
BHILAI STEEL PLANT

Office of the Mines Manager, Rajhara Mines

No. MM(Raj) Estt. (W)C 37/62/2222 dated 3rd May 1962.

Consequent upon their appointment on operation Estt. vide order No. Estt. IX/62/1065 dated 11th April 1962, the undermentioned persons on work charged establishments are hereby relieved from their duties on work charged establishment from the dates as shown against each.

Page 3

S. No. : 49 B. Ravindranathan Pillai Register Clerk
Scale : Rs. 60-130

Date : from present Pay : Rs. 66/-.
15-4-62 F.N.

Sd/- D. K. BASU, M. M. Rajhara Mines.
Exhibit—W 2

To

The Mines Manager,
Rajhara Mines.

Ref : No. Estt. IX/62/1065 dated Bhilai 11-4-1962.

Respected Sir,

With reference to the above letter, I, the undersigned beg to submit my joining report today the Monday F. N. on 16th April-62.

Yours faithfully,

Sd/- B. R. PILLAI
16-4-62

B. Raveendranathan Pillai, Attendant.
[No. L-26013(1)/71-LR.IV]

New Delhi, the 8th February, 1974

S.O. 475.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Bombay in the industrial dispute between the employers in relation to the Kerala Minerals and Metals Limited, formerly known as F.P.X. Minerals Limited and their workmen, which was received by the Central Government on the 2nd February, 1974.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/11 of 1973

Employers in relation to the Kerala Minerals and Metals
Limited,

AND
Their Workmen.

Present :

Shri N. K. Vani, Presiding Officer.

Appearances :

For the Employers : Shri M. Ramachandran, Advocate

For the Workmen : Shri N. K. Krishnan Kutty Advocate.

Industry : Mining.

State : Kerala.

Bombay, the 9th January, 1974

AWARD

By order No. F. No. L-29012/15/73-LR. IV dated 15-9-1973 the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the Kerala Minerals and Metals Limited and their workmen in respect of the matter specified in the schedule as mentioned below :—

“SCHEDULE

Whether the action of the Kerala Minerals and Metals Limited (formerly known as the F.X.P. Minerals Limited) in overlooking the claim of Shri S. T. Villavarayar, Accountant Grade-II for promotion to the post of Assistant Grade-I which was filled on the 16th March, 1970, was justified? If not, to what relief is the concerned workman entitled?”

2. The facts giving rise to this reference are as follows:—

- (i) Shri S. T. Villavarayar joined the F. X. Pereira and Sons (Travancore) Private Ltd. Quilon as a clerk on 1-1-1949. This company was taken over by the Government in 1956 with all the employees. When the Government took over the company it was called F.X.P. Minerals.
- (ii) Shri M. Bhaskaran Pillai was appointed in the company on 9-6-1959 as Time-keeper. Shri Raghavan Pillai was appointed on 1-2-1958 as Laboratory Assistant.
- (iii) On 16-3-1970 Shri M. Bhaskaran Pillai was promoted as Asstt. Grade-I in the grade of Rs. 130-330 by order dated 11-3-1970, Ex. 11/E. On the date of promotion of Shri Bhaskaran Pillai, Shri S. T. Villavarayar was in the grade of Rs. 90-10-250.
- (iv) According to Villavarayar, after the concern was taken over by the Government, the criteria for promotion was over-all seniority and not section-wise seniority both in the factory and office. There was no bifurcation between Administrative branch and Accounts branch for the purpose of promotion. On the basis of his over-all seniority he should have been promoted as Asstt. Grade-I instead of Shri M. Bhaskaran Pillai on 16-3-1970. To redress his grievance, the Minerals Ministerial Staff Federation has raised the dispute. His previous Union had also raised the dispute in 1970. On account of this there was conciliation proceedings before the Asstt. Labour Commissioner (C), Ernakulam. He tried to bring about conciliation but in vain. He therefore submitted his failure of conciliation report Ex. 7/W to the Government on 31-3-1973. The Government in turn referred this dispute to this Tribunal for adjudication.

3. After the receipt of the reference, notices were issued to the parties to submit their written statements. In pursuance of the notice the General Secretary, Minerals Ministerial Staff Federation Chavara, Quilon filed written statement at Ex. 1/W and counter-statement at Ex. 4/W (Written statement Ex. 1/W and counter-statement Ex. 4/W are annexures A and B respectively to the Award). The managing Director Kerala Minerals and Metals Ltd. Filed written statement at Ex. 2/E and rejoinder at Ex. 3/E (Written statement Ex. 2/E and rejoinder Ex. 3/E are annexures C and D respectively to the Award).

4. The Kerala Minerals and Metals Ltd. (hereinafter referred to as the company) has filed documents in this case as mentioned below:—

- (i) Office Order dated 30-11-1964 at Ex. 9/E.
- (ii) Office Order dated 14-8-1971 at Ex. 10/E.
- (iii) Government of Kerala, Industries (G) Department Order No. G. O. MS. 85/70/ID dated 11-3-1970 at Ex. 11/E.
- (iv) Order of appointment of Shri M. Bhaskaran Pillai as Time-keeper dated 1-6-1959 at Ex. 12/E.
- (v) Government of Kerala, Industries (G) Department orders No. G.O. RI. 802/64/ID dated 6-10-1964 at Ex. 13/E.

5. The General Secretary, Minerals Ministerial Staff Federation has filed documents in this case as mentioned below:—

- (i) Memo. No. FST/2927/67/FXM dated 14-1-1968 issued to Shri G. Sebastian Fernando at Ex. 5/W.
- (ii) Proceedings of the discussion in the conference convened by the Asstt. Labour Commissioner (C), Ernakulam on 28-12-1972 at Ex. 6/W.
- (iii) Failure of Conciliation report dated 31-3-1973 at Ex. 7/W.
- (iv) Memorandum of Conciliation Settlement dated 19th January, 1970 at Ex. 8/W.

6. Shri S. T. Villavarayar, the affected workman has given evidence on oath before me at Ex. 14/W.

7. From the pleadings and documents on record the following points arise for consideration.

- (i) Whether this reference is tenable?
- (ii) Whether the action of the Kerala Minerals and Metals Limited (formerly known as the F.X.P. Minerals Limited) in overlooking the claim of Shri S. T. Villavarayar, Accountant Grade-II for promotion to the post of Assistant Grade-I which was filled on the 16th March, 1970 was justified?
- (iii) If not to what relief is the workman entitled?
- (iv) What order?

8. My findings are as follows:—

- (i) Yes.
- (ii) No.
- (iii) As stated in the judgment.
- (iv) As per order.

REASONS

Point No. i

9. On the admission of Shri S. T. Villavarayar in his evidence Ex. 14/W, it is clear that before the signing of the Memorandum of Conciliation Settlement dated 19-1-1970 Ex. 8/W, he was a member of the Minerals Company Staff Association, which was a party to the settlement Ex. 8/W. After the settlement Ex. 8/W, the Minerals Ministerial Staff Federation was formed. He is now the member of Minerals Ministerial Staff Federation. This Federation has raised the present dispute.

10. It is contended by the learned Advocate Shri Ramachandran for the company at the time of argument that the dispute raised by the Union which was not in existence at the time of cause of action will not convert individual dispute into collective one especially when the union of which he was a member at the time of cause of action did not raise the dispute. This contention cannot be accepted.

11. In the first place Shri S. T. Villavarayar Ex. 14/W emphatically states in his cross-examination that his previous Union had also raised the dispute in 1970 and that this Union took up the dispute to a particular point and the new Union of which he is a member is continuing the dispute. As against the sworn testimony of Shri Villavarayar there is no counter evidence on record. There is no reason to disbelieve Shri Villavarayar when he says that the old Union had taken up the dispute to a particular point and the new Union continued the same. As the old Union i.e. the Minerals Company Staff Association, which is still functioning had raised the dispute on behalf of Shri Villavarayar in 1970, it cannot be said that the present dispute was not raised by the Union which was not in existence at the time of cause of action. For deciding whether the dispute is an industrial dispute or not the material date is the date of reference. The present reference was made in 1973. At that time the new Union of which Shri Villavarayar is the member was there. It had raised the dispute. As the Union had raised the dispute on behalf of Shri Villavarayar, it is an industrial dispute. Hence the contention raised by the management that the reference is not tenable on this account cannot be accepted.

12. It is clear from the evidence of Shri Villavarayar, Ex. 11/W that his case is that the Government had violated the provisions of settlement, in not giving him promotion. Relying on this statement, it is contended on behalf of the company that if there is violation of settlement, it is no industrial dispute. It is further submitted that the Union should have either prosecuted the management for committing the breach of settlement Ex. 8/W or he should have filed application under Section 33C(2) of the I. D. Act, 1947, for getting the benefits. This contention cannot be accepted.

13. Article 10 regarding grievance procedure given in the Memorandum of Conciliation settlement dated 19-1-1970 Ex. 8/W is as follows:

"It is agreed that the grievance of the employees will be processed and settled in accordance with the Grievance Procedure as per annexure VII."

14. Annexure VII relates to Grievance Procedure of F.X.P. Minerals, Chavara. Para. 1 in this annexure is as follows:—

"Grievances will be handled in accordance with the Grievance procedure detailed hereunder:—

Complaints from employees pertaining to matters specified in Schedule 'A' will constitute a grievance contemplated in the Grievance Procedure."

15. Para. IX in the same annexure is as follows:—

"If the decision of the General Manager is not satisfactory or if no reply is received from the General Manager within 10 days of the submission of the Grievance to the General Manager, the employee may take up the matter through the Union to the Central Labour Department."

16. Item 3 in Schedule 'A' in Annexure VII is as follows:—

"3. Service matters."

17. In the present case Shri Villavarayar's dispute is that he should have been promoted as Assistant Grade-I on 16-3-1970 instead of Shri Bhaskaran Pillai. This dispute relates to the service matter of Shri Villavarayar. As it relates to service matter, he is entitled to take up the matter through the Union with the Central Labour Department as mentioned above. It is therefore clear that his taking recourse in raising an industrial dispute through the Union and approaching the Assistant Labour Commissioner (C) Erakulam is quite proper and legal under the provisions of the settlement Ex. 8/W. It cannot be therefore said that this reference is bad in law because Shri Villavarayar has not prosecuted the management for committing breach of settlement Ex. 8/W or filed application under Section 33C(2) of the I. D. Act, 1947.

18. It is clear from the above that the present reference by the Government is quite competent and legal and the same is tenable. Hence my finding on this point is as above.

Point No. II

19. Annexure V of the Memorandum of Conciliation Settlement dated 19-1-1970 Ex. 8/W relates to F.X.P. Minerals Service special Rules. This annexure gives the constitution stating that the service shall consist of the following classes and categories. A perusal of this annexure shows that there were two divisions of employees working in the company. The first division relates to the employees working in the Factory side and the other division relates to the employees working in the office.

20. Annexure VI in Ex. 8/W relates to the final gradation list of staff members of F.X.P. Minerals, Chavara. A perusal of this annexure shows that the details of this list are as follows:—

S. No., Class Categ., Name, Designation, Qualification, Date of Birth, Date of entry into service and Date of appointment to the present post.

21. It appears that 87 employees were working in the Factory side and 20 employees were working in the office at the time of settlement Ex. 8/W.

22. From the final gradation list of staff members in Annexure-VI in Ex. 8/W it is crystal clear that the name of Shri S. T. Villavarayar is at S. No. 9, while S/shri Bhaskaran Pillai and Raghavan Pillai are at S. No. 11 and 12. Shri Bhaskaran Pillai was appointed in the company on 9-6-1959 and Shri Raghavan Pillai was appointed on 1-2-1958, as Time-keepers while Shri S. T. Villavarayar was appointed on 1-1-1949 and was appointed as Accounts Clerk on 16th February, 1956. If these dates of appointment or dates of entry into service, given in the final gradation list of staff members given in Annexure-VI of Ex. 8/W are taken into

consideration, it will be clear that Shri Villavarayar was senior to S/shri Bhaskaran Pillai and Raghavan Pillai in the office side. Naturally when promotions to any post were to be made from the employees working in the office side they have to be made on the basis of seniority.

23. According to the company, the office was bifurcated into Administration and Accounts branches for efficient functioning of the concern with the agreement of the employees, Shri S. T. Villavarayar has rightly been given promotion on 12-7-1971 when vacancy arose in the Accounts Branch, neither the Government nor the management has overlooked the claim of Shri Villavarayar at any time, on the other hand he was given promotion when the vacancy arose invoking the concession contemplated in the Special Rules and he cannot claim promotion in the Administrative Branch as he was working in the Accounts Branch as Accounts Clerk and he has been rightly fitted in that branch and given promotion at the right time.

24. It appears from Para. 6 of the written statement Ex. 2/E of the management that as per long Term Agreement entered into with all the unions functioning in the company at that time, the office staff pattern has been reorganised into two separate branches viz. Administrative Branch and Accounts Branch under the over all control of the Commercial Manager. It further appears that the following persons were allotted to each branch in accordance with the work they were doing during the post on functional basis.

Administrative Branch

Office Superintendent	(1)	—Vacant
Assistant Grade I	(1)	—J. Arul
Assistant Grade II	(3)	—M. Bhaskaran Pillai A. Raghavan Pillai S. Jothiraj Fernando

Accounts Branch

Senior Accountant	(1)	—Vacant
Cost Accountant	(1)	—Vacant
Accountant Grade I	(1)	—P. Chandrasekhara Pillai
Accountant Grade II	(3)	—G. S. bastian Fernando S. T. Villavarayar and P. Kuttan Pillai.

25. In the first place the long term settlement Ex. 8/W nowhere mentions that the office staff should be bifurcated into two branches i.e. Administrative and Accounts. If it would have been agreed at the time of agreement to bifurcate the office into two separate branches, annexure V in the Ex. 8/W would have specifically mentioned this by giving the class and category of the employees working in the office. Office order dated 14-8-1971 Ex. 10/E shows that in the report on the re-organisation of the working of the F.X.P. Minerals, Accepted and implemented by the State Government, it was recommended that the administrative machinery of the concern including the accounting and costing branches should be reorganised for efficient functioning of the concern. It does not mention that this bifurcation will be for the purposes of promotion to higher posts also. Hence the management's plea that Shri S. T. Villavarayar was not promoted as Assistant Grade I on 16-3-1970 when his junior Shri Bhaskaran Pillai was promoted because the vacancy in question was in Administrative Section and not in the Accounts Section cannot be accepted. In my opinion for the purpose of promotion, common seniority of the employees working in the Administrative Branch and Accounting Branch in the office will have to be taken into consideration in view of the constitution given in Annexure V of the settlement Ex. 8/W. If the common seniority of the employees is to be taken into consideration for the purpose of promotion, Shri S. T. Villavarayar's claim for promotion in the Assistant Grade I from 16-3-1970 cannot be ignored.

26. Admittedly Shri Villavarayar has been appointed as Assistant Grade I on 12-7-1971. Hence it cannot be said that he was not eligible for this promotion on 16-3-1970 on any other ground i.e. inefficiency etc.

27. In short, on going through the settlement Ex. 8/W very carefully and the office order Ex. 10/E, which is subsequent to Settlement Ex. 8/W, and the arguments of both

advocates and their pleadings on record I am of the view that the action of the Kerala Minerals and Metals Limited (formerly known as the F.X.P. Minerals Limited) in overlooking the claim of Shri S. T. Villavarayar, Accountant Grade II for promotion to the post of Assistant Grade I which was filled on the 16th March, 1970 was not justified. Hence my finding on point No. ii is as above.

Point No. iii

28. As the action of the management in overlooking the claim of Shri Villavarayar for the post of Assistant Grade I on 16-3-1970 and in appointing his juniors to the same post ignoring his claim is not justified, the employee in question should be deemed to have been promoted as Assistant Grade I with effect from 16-3-1970 and that he is entitled to get arrears of wages including increments, of this post. Hence my finding on point No. iii is as above.

Point No. iv

29. In view of the above findings I pass the following order :—

ORDER

(i) It is hereby declared that the action of the Kerala Minerals and Metals Limited (formerly known as the F.X.P. Minerals Limited) in overlooking the claim of Shri S. T. Villavarayar, Accountant Grade II for promotion to the post of Assistant Grade I which was filled on 16-3-1970 was not justified and that he should be deemed to have been promoted to the post of Assistant Grade I with effect from 16-3-1970 and that on this basis he is entitled to get the arrears of wages including increments etc.

(ii) Award is made accordingly.

(iii) No order as to costs.

N. K. VANI, Presiding Officer.

Ex. 1/W (ANNEXURE 'A')

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

In the dispute referred for Adjudication under Reference No. CGIT/2/11 of 1973

Parties :

1. S. T. Villavarayar, Workmen represented by the Minerals Ministerial Staff Federation, Chavara Quilon (Applicant).
2. Employer, The Kerala Minerals and Metals Ltd. (Opposite Party).

The applicant submits as follows :—

1. The Workman Sri S. T. Villavarayar, joined the Mineral Company on 1-1-1949 under the Management of M/s. F. X. Pereira and Sons (Travancore) Pvt. Ltd., in the office of their factory at Chavara as Clerk. He was the only Clerk in that office.

2. The factory was taken over by Kerala Government and the business was run under the name and style of "F.X.P. Minerals" and managed by Government of Kerala and the Managers were deputed from the Government Departments.

3. An agreement was made on 19-1-1970 between the various Trade Unions functioning in the concern and the Management, wherein gradation and principles of promotions were formulated.

4. The Workmen according to the gradation is eligible for promotion.

5. He was assigned the duties of purchase, salary preparation of Staff, Store checking etc. and was carrying the designation as Accounts Clerk prior to the Agreement referred above.

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6. Promotions were given to some members of the staff subsequent to the Agreement overlooking the seniority of the Workmen Sri S. T. Villavarayar.

7. It is evident from the pattern of office Staff as given in page 41 of the Memorandum of the Conciliation settlement, no separate sections were made and the Gradation List also do not show any such divisions or Sections.

8. The Employer has arbitrarily chosen to divide the sections under Administrative and Accounts and selected the personnel for each section without the consent or giving option to the workman to opt the Section.

9. The bifurcation of the Section was made subsequent to the agreement vide Office Order I No. GM. 1/71 dated 14th August, 1971. It is to be noted there was no separate sections in the Office at the time of the Agreement or prior to that.

10. By dividing the sections the Management has given promotions to Sri M. Bhaskaran Pillai and Sri A. Raghavan Pillai as Assistant Grade I wrongly who are graded as No. 11 and 12, ignoring Sri S. T. Villavarayar who is graded as No. 9.

11. Under Article VIII Section 4 it was agreed that for determining the seniority the length of service and grade had been taken as criteria when the date of appointment of the incumbents to the present post is the same.

12. S.T. Villavarayar was appointed on 1-1-1949 and was receiving a pay of Rs. 150/- as on 1-7-1962 in the scale of Rs. 50-5-80-10-150 and at the time of promotions given to Sri M. Bhaskaran Pillai and Sri A. Raghavan Pillai when they were drawing a pay of Rs. 55/- and Rs. 60/- respectively in the scale of Rs. 40-5-80-120-10-150.

13. It will thus be seen Sri S. T. Villavarayar was drawing a higher pay than the above two incumbents who were appointed in the year 1959 and 1958 respectively.

14. According to Agreement and Gradation List Sri A. Raghavan Pillai is Junior to Sri M. Bhaskaran Pillai.

15. The employer has given an irregular promotion to Sri M. Bhaskaran Pillai who was Junior and drawing a lower pay than Sri A. Raghavan Pillai and the same is also under dispute.

16. Sri M. Bhaskaran Pillai although was given a promotion was not given the duties of Assistant Grade I in the office but deputed in the plant as a Technical Trainee to enable him to qualify for A.M.I.E. as per his own request.

17. The employer has been giving promotions before the Agreement according to their whims and fancies to favour some members of the staff and there were not principles as some time they look the overall seniority and sectional seniority to suit their convenience.

18. The wrongful promotions effected after the memorandum of settlement is irregular in the case of the two members mentioned earlier in this rejoinder and violative of the Agreement.

19. The incumbent in this dispute has represented his grievance directly with the employer under the grievance procedure and failing to get a redressal has taken up the case though his Union to Conciliations.

20. The several conciliation meetings having failed to bring about a settlement in spite of the reasonableness of the claim the conciliation officer was forced to sent a failure report.

21. The employer partly recognising his seniority and the legitimacy of his claim has promoted him belatedly on 12-7-1971 as Accountant Grade-I.

22. It is worth noting that the claim for promotion was pending before the conciliation proceeding and was referred to the Committee instituted by Government comprising

Sri. N.H. Rajkumar, Additional Director of Industries and Commerce and Sri. P.O. Titus, General Manager, F.X.P. Minerals.

23. The promotion of Sri. S.T. Villavarayar is therefore due from 19-1-1970 and ought to have been given rightly from the date on which promotions of Assistant Grade I.

24. Sri S. T. Villavarayar was promoted only on 12-7-1971 and was also given a promotional or notional increment. But the increments were subsequently were taken back under the pretext that the increments was given mistakenly, while the increment sanctioned to the other members namely Sri M. Bhaskaran Pillai, Sri A. Raghavan Pillai, Sri. P. Chandrasekhara Pillai, Sri G. Sebastain Fernando etc. were ratified.

25. Sarvashri M. Bhaskaran Pillai and A. Raghavan Pillai were working in the office as Time Keepers in the scale of Rs. 40-150 where as Sri. S.T. Villavarayar was placed in the office as Accounts Clerk in the scale of Rs. 50-150. It is therefore clear that Sri S. T. Villavarayar was in the higher rank and any promotion is rightly due to him before the above two personnel.

26. The employer was adopting the rules of Government in the certain matters like T.A. and Batta and but procedures governing increment to the employees. Neither the precedents in the concern nor Government procedures are followed by the management.

27. Qualification is not a criteria for promotion in the concern as can be evidenced from the promotions effected prior and after the agreement dated 19-1-1970 vide page No. 16 and 62.

28. In the final strength of the office Staff it will be seen that there is only one post of Assistant Grade 1 and it should go rightly to either Sri S.T. Villavarayar or Sri. A. Raghavan Pillai who is the next Senior most. According to the Gradation List and length of service. The G.O. Order No. M.S.85/70/10, dated 11-3-1970 is the contradiction of the Gradation List and erroneously termed "Sri. M. Bhaskaran Pillai as senior most. It is wrong to say that as per the Gradation List approved that Sri. A. Raghavan Pillai is the next senior most. While the fact is Sri; A. Raghavan Pillai is the senior to Sri M. Bhaskaran Pillai and was drawing a higher pay than Sri M. Bhaskaran Pillai at the time of promotion given to both of them.

29. It is also wrongful to give a second promotion to Sri M. Bhaskaran Pillai if the claim for promotion to the post of Store Superintendent or Store Keeper is to be made only from the Administrative Section. It should rightly go to Sri A. Raghavan Pillai who is senior to him.

30. It is therefore prayed that the Court may be pleased to order the opposite party the employer to give promotion to Sri. S.T. Villavarayar from 16-3-1970, and pay the back arrears of increment and all other benefits.

The facts stated above are true and correct to the best of my knowledge and belief.

P. RAGHAVAN, General Secy.
Minerals Ministerial Staff Federation,
Chavara (Quilon).

Chavara, 6-10-1973.

EX. 4/W

(ANNEXURE 'B')

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Ref. No. CGIT. 2/11 of 1973

In the Dispute between the Kerala Minerals & Metals Ltd. and the workmen—Minerals Ministerial Staff Federation, Chavara/Quilon.

Counter statement on behalf of the workmen.—Save as otherwise expressly admitted the statement made on behalf of the employer are hereby denied.

1. The averment in para 1, 2 & 3 are admitted. The appointment by Government still stands good.

2. Para 4 relates to the circumstances created for the appointment of a Committee under the head of Sri N. H. Rajkumar and the report and the order referred therein were not made known to the workmen or the Union represented by him then. And therefore it is irrelevant now and has become defunct from the time the Agreement is signed by by the Union which is binding on the Employer and Employees.

3. The workman is one of the employees under the previous Management of M/s. F.X. Pereira & Sons (Travancore) Private Ltd. was taken by Government as per an Agreement dated 25-11-1955 and 12-1-1956 between the Trade Unions and the Previous Employees without any change in their service conditions and the emoluments they were getting under the previous Management.

4. The appointment made by Government after taking over the Ilmenite factory, Chavara specifically guaranteed that their past services being counted for Gratuity, Seniority and promotion—vide Order A1.7084/57 dated 16-11-1957 and hence it is the natural justice the workmen is entitled to promotion according to seniority and precedents.

5. In para 6, the aversion of the Employer is denied. No where in the agreement it is stated that the office will be reorganised in two separate branches namely Administrative Branch and Accounts Branch as contended by the Employer and the personnel were not named under each branch. But the only reference seen on page 38 Annexure III that the Chief Accountant is the Head of the Administrative and Accounting Branch and the Office Superintendent will supervise the Administrative Branch. But at the time of the Agreement no separate Branches were in existence. The Office Orders issued prior to this Agreement will prove beyond doubt that there was no such different branches also in the office. The bifurcated branches are still under one head and Administrated by the Commercial Manager.

In the Agreement it will be seen there were only three divisions as shown in Annexure I, II and III. The Employer admits in the statement that the Administrative and Accounting Branch functions under the head of the Chief Accountant and therefore both Administrative and Accounting Branch as they call, it is under one wing. This is proved in the following statements.

The Employer has choosen arbitrarily the personnel and assign them two different branches to suit their own convenience. This has affected the promotional opportunity to the workmen referred in the dispute.

The members in the Office were in different Union at the time of the Agreement and they were greatly disappointed and dissatisfied as their individual cases were not decided and brought into this written Agreement. They were forced to form a separate Union for the Office Staff. The grievances of this workmen and others were brought to the notice of the Employer both individually and by the Unions.

The statement of the Employer on page 5 "The following persons were allotted to each branch in accordance with the work they were doing during the past (on functional basis)" is against facts and therefore denied.

Sri S. T. Villavarayar was actually doing the work of Stores purchase etc. and this work is now given to Assistant Grade II and is placed under the Administrative Branch only on August 1971. It is also pointed out that Sri P. Chandrasekhara Pillai was a Time Keeper and he was designated as Accounts Clerk. Survasree A. Raghavan Pillai and M. Bhaskaran Pillai were Time Keepers till they were allotted to the Administrative Branch. Therefore there is no force in the statement of the Employer that the personnel were allotted to each branch in accordance with the work.

6. The statement in para 7 will not be applicable to the workmen since he has put in more than 20 years of continuous service and the employer is empowered to make appointments by transfer of employees from one category/post to another category/post vide Note 2 on page 62. Hence the question of feeder category will not arise since there was no separate Branch in the Office prior to the agreement. It is also to be noted that the relaxation of rules regarding qualification on the formula of 1:3 in a particular grade or post has also been violated by the management. As a proof in the vacancies of five Supervisors occurred in the Plant subsequent to the Agreement five persons viz., Survasree V. Krishnan Achari, Mariappan James, K. Pappoo, K. Nanoo, and P.J. Motha who were unqualified were promoted. Hence the statement of the Employer is contradictory.

7. It may not be correct to say that all individual issues then existing have been arrived at settlement as contended in para 8. The appointment and promotions given effect in both the branches will show that a decision was taken much later than the Agreement and ordered only on 11-3-1970. If it was agreed and settled, it should have been given effect to from the date of the agreement because the agreement is given a retrospective effect from 19-1-1970.

The circumstances under which Government ordered to keep the post of Senior Accountant and Accountant Grade I were not let known to the Unions or to the workmen. The two posts were agreed upon and there is no valid reason to keep those posts in abeyance contrary to the agreement. In the same Government Order it was found that Sri J. Arul was appointed as Office Superintendent as ordered in G. O. No. 1111/68/ID. dated 3-12-1968. Hence the appointment of Office Superintendent has been made two years prior to the agreement. No reasons can be given for not implementing the order dated 3-12-1968.

It is also wrongful to say that Sri M. Bhaskaran Pillai, Time Keeper was a senior most Assistant Grade II. The date of entry as per the Gradation List is shown in the Agreement as 9-6-1959 and the date of birth 11-3-1109 whereas the date of entry into the service of Sri. A. Raghavan Pillai is shown as 1-2-1958 and date of birth as 23-9-1108, while the date of entry into service of Sri. S. T. Villavarayar is given as 1-1-1949.

It is also against facts that no complaint has been raised neither by Sri. S.T. Villavarayar nor the Union. A complaint was lodged by the General Secretary, Mineral Companies Staff Association, Chavara on 31-7-1970 and 15-12-1970 and followed by representations individually and through the Union and several conciliations which originated this reference.

8. It is not a concession given to Sri. S. T. Villavarayar as aware in para 9. He is the rightful claimant for promotion superceding the promotions of Assistant Grade I or Accountant Grade I. He was in the selection list as Accountant in the vacancy caused in 1968 and his name was recommended by the then General Manager and it is note worthy that the name of the person promoted as Senior Accountant was not in the list. So the aversion of the Employer as Senior most Accountant Grade I is not correct. Since the Accountant Grade I came into being only after the Agreement.

9. It is admitted that the numbers shown are only serial numbers. But it should be conceded that the serial numbers are generally given on the basis of Rank and category. But there it is invariably given according to the positions. The serial numbers were pointed out to note the date of appointment, their age to show their seniority in the length of service and grade.

10. The Minerals Ministerial Staff Federation was formed subsequent to the Agreement for reasons

explained earlier. All the Unions agreed to the Long Term Agreement and since the individual cases were not brought under the Agreement, some of the Unions has raised the dispute and this particular case also was referred to the Employer vide letter dated 31-7-1970 and 15-12-1970.

It is to be noted that now an another bifurcation has been effected in May, 1972 in which the Stenographer (P.A.), Accountant Grade I and II and Clerical Attenders were separated and placed under the Works Manager in the Plant. If the contention of the Employer is accepted the above personnel now bifurcated cannot claim seniority and aspire for promotion either in Administrative or Accounts or in the plant and will have to loose their claim for promotion in any other sections or branch. There are 3 peons and 2 Typists and it is still not known to which branch they belong.

11. Reviewing the past history Government have sympathetically considered the service sor old employees and have effected promotions to the incumbents who have suffered opportunities for promotions in view of the shifting of personnel from one section to the other section. To cite a case we mention the name of Sri K. V. John, Store Keeper who was originally appointed as Supervisor in the Plant was given the scale of Plant Foreman which was higher than the scale of pay of the Store Keeper on the plea that had he continued in the Plant on Supervisor he would have been rightly promoted as a Foreman. So the statement of the employer in para 12 that Shri S. T. Villavarayar has no claim for promotion to the post of Assistant Grade I is not acceptable and is an injustice done to Sri S. T. Villavarayar in not giving the promotion from the date of Agreement.

12. The statement made in para 12 is untenable and not relevant to this case as service conditions of the employees are not changed. The change effected in the formation of a new Company from 1-4-1972 was only in the name. The ownership and the Management still vest in the Government and the only change is effected in the personnel of Management and it has now come under the Board of Directors. The employees, the Assets and Liabilities were taken over in stock lock and barrel and all agreements, awards etc. relating to the employees will be binding on them as per section 25 FF of the Industrial Disputes Act.

13. Government has deputed some personnel to work in the Company from various departments. By shifting their service they do not loose seniority, promotions and get all benefits in addition to special allowances. Hence there is no impediment for management to apply the same yardstick.

14. It is the Mineral Ministerial Staff Federation was not on existence at the time of negotiation and agreement. The Minerals Ministerial Staff Federation was registered and the employees have the right to form Associated and join any trade Union which can take up the cause of employees as per Trade Union Act.

15. The formation of a new Company was long thought of an anticipated by Government. The management started adding a clause in the tender conditions that the successor Company/Management will be bound by the agreement/contract entered to. Hence the service condition will bind the new Company as per Industrial Disputes Act, Section 25 PF.

16. When the vacancy of Store Superintendent occurred in July, 1973 Sri S.T. Villavarayar also applied for the post as he was long connected with Stores work and had been acting in the capacity of Store Keeper and Stores Superintendent in the leave vacancies. It was the further vacancy and the formula advocated by the employer viz., 1 : 3 was not followed. This Federation also represented his grievance—vide letter dated 15-1-1973. It will thus be seen that the employer has adopted

yardstick in the matter of promotions and appointment.

The facts stated above are true and correct to the best of my knowledge, information and belief.

Sd/-

P. RAGHAVAN, General Secy.
Minerals Ministerial Staff Federation,
Chavara/Quilon.

Quilon,
17-10-1973.

Ex. 2/E (ANNEXURE 'C')

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT. 2/11 of 1973

In the matter of the Industrial Dispute between the Minerals Ministerial Staff Federation and management of the F.X.P. Minerals (Now known as Kerala Minerals and Metals Ltd.).

Statement on Behalf of the Employer

1. In exercise of the powers conferred by Clause (d) of sub-section (1) to Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India, Ministry of Labour and Rehabilitation has referred the following dispute before the Central Government Industrial Tribunal No. 11, Bombay for adjudication:—

“Whether the action of the Kerala Minerals and Metals Ltd. formerly known as F.X.P. Minerals) in overlooking the claim of Sri S. T. Villavarayar, Accountant Grade II for promotion to the post of Assistant Grade I which was filed on the 16th March, 1970 was justified? If not, to what relief is the concerned workman entitled?”

2. The facts relevant for the adjudication of the dispute are as follows: F.X. Pereira and Sons (Travancore) Private Ltd., Quilon was a private limited company engaged in various business, including separation of minerals from beach sand in their Ilmenite factory at Chavara viz., F. X. Pereira Minerals, Chavara. In the year 1956, the Government of Kerala (hereinafter referred to as the Government) attached the Ilmenite factory at Chavara viz., F. X. Pereira Minerals under Revenue Recovery proceedings for arrears of royalty on minerals amounting to Rs. 6 lakhs due to the State Government. From that year onwards the Ilmenite Factory at Chavara in the name of F.X.P. Minerals, Chavara was directly under the management of the Government till 1-4-1972. All these years upto 1971 there were litigations between the Government and former owners of the factory regarding the ownership of the Ilmenite Factory at Chavara. During the period of management of the State Government all appointments and promotions in the concern were made under orders of the said Government

3. It would appear that Shri S. T. Villavarayar entered in the employment of the F. X. Pereira & Sons (Travancore) Ltd. as a Clerk on 1-1-1949 as he stated. While the Ilmenite factory at Chavara was taken over by the State Government Sri Villavarayar's service was also taken by Government. He was appointed as Accounts Clerk in the scale of Rs. 50—150 on 1-1-1958. His qualification is that he has studied upto F.S.I.C. Course.

4. The employees of F.X.P. Minerals, Chavara, went on agitation and strike during the year 1968 demanding revision of scales of pay formulation of rules for promotion, recruitment etc. and presenting a charter of demands to Government. The Government considered their demands in consultation with representatives of the Trade Unions functioning in the Company and appointed a committee comprising Sri N. H. Rajkumar, Additional Director of Industries and Commerce (Technical) and Shri P.O. Titus, General Manager, F.X.P. Minerals, Chavara for submitting a report to Government on the revision of salary, wages, allowance etc. of the

employee vide G.O. (MS) 506/68/ID, dated 20-12-1968. Government also ordered as follows while constituting that committee.

- (i) committee will discuss with the Union representatives before finalising its report;
- (ii) Government will move the Sub-Court, Quilon for implementation of the recommendations of the above committee as the dispute regarding the ownership of the Company was pending in that Court during that time;
- (iii) A Gradation List will be finalised in consultation with the representatives of the various Unions, All provisional appointments will be examined on the basis of the Gradation List. Regular appointments will also be reviewed, if it is brought to the notice of the Government that the legitimate claim of a member has been overlooked and any compensation is found necessary will be considered;
- (iv) In the meantime, no further appointments and promotions will be made except in cases of emergency. The question of urgency will be decided by the Government.

5. Accordingly the committee prepared a detailed report regarding the work standard, pay structure, gradation list, rules for promotion, recruitment etc. and finalised the same after detailed discussions with all the labour unions functioning in the Company as contemplated in the Government order referred to above. Again State Government also made detailed discussions on the recommendations made by the Committee regarding the service conditions of the employees in F.X.P. Minerals, Chavara and in mutual agreement between Government and Employees entered into a Long Term Settlement under Section 12(3) of the Industrial Disputes Act in the presence of the Assistant Labour Commissioner (C), Ernakulam on 19-1-1970. All the labour unions functioning in the factory at that time were parties to that settlement which was to be in force till 18-1-1973.

6. In the Long Term Agreement it was agreed to reorganise the office of the concern into two separate branches viz. Administrative Branch and Accounting Branch on functional basis. The Administrative Branch was put under the supervisory control of the Office Superintendent and the Accounting Branch was put under the administrative control of the Senior Accountant. There were 3 posts of Accounts Clerk in the scale of Rs. 50—150. It was agreed to redesignate those posts as Accountant Grade II on Rs. 90—250. There was one post of Accountant on Rs. 60—100 which has been redesignated as Accountant Grade I on Rs. 130—330. The post of Cashier has also been redesignated as Accountant Grade II on Rs. 90—250. All these posts redesignated as Accountant Grade I and II have been attached to the Accounts Branch. Similarly there were two posts of Time Keepers and one post of Shipping Clerk which were converted into Assistant Grade II on Rs. 90—250 and attached to the Administrative Branch. There was one post of Head Clerk which has been redesignated as Assistant Grade I on Rs. 130—330 under the Administrative Branch. Thus as per the Long Term Agreement entered into with all the unions functioning in the Company at that time the office staff pattern has been reorganised into two separate branches viz., Administrative Branch and Accounts Branch under the overall control of the Commercial Manager and the following persons were allotted to each branch in accordance with the work they were doing during the past (on functional basis).

ADMINISTRATIVE BRANCH

- | | | |
|-----------------------|-----|-------------------------------------------------------------------------|
| Office Superintendent | (1) | —Vacant. |
| Assistant Grade I | (1) | —J. Arul. |
| Assistant Grade II | (3) | —M. Bhaskaran Pillai
A. Raghavan Pillai and
S. Jothiraj Fernando. |

ACCOUNTS BRANCH

Senior Accountant (1) —Vacant.
 Cost Accountant (1) —Vacant.
 Accountant Grade I (1) —P. Chandrasekhara Pillai.
 Accountant Grade II (3) —G. Sebastian Fernando,

S.T. Villavarayar and
 P. Kuttan Pillai.

None of the Unions functioning in the concern during that time had raised any objections on the above bifurcation.

7. As per the Special Rules for promotion, method of recruitment and qualifications agreed to in that Long Term Agreement, the qualifications fixed for promotion to the post of Assistant Grade I and Accountant Grade I are S.S.L.C. pass with two years experience in the feeder category. The feeder category for promotion to the post of Accountant Grade I is Accountant Grade II (Accounts Clerk) and Cashier and that for promotion to Assistant Grade I (Head Clerk) is Assistant Grade II (Time Keepers and Shipping Clerk). It is also laid down in that Rules that the qualification prescribed as per that rules will not be applicable for promotions to the next higher grade only in the case of persons who have put in 20 completed years of continuous service on the date of promotion subject to the condition that such promotion by relaxation of rules will be restricted to one vacancy in every three vacancies in a particular grade or post. This concession regarding the relaxation of rules for promotion will be in force only for five years from the date of the settlement.

8. There were certain individual issues pertaining to the employees of the concern for examination by the Committee and also for settlement as per settlement. All individual issues then existing were discussed during the negotiations and arrived at settlement. It was laid down in the Long Term Agreement that was agreed that all pending individual issues will be deemed to have been settled. In pursuance of the decision taken in the Long Term Agreement referred to above, Government in G.O. (MS) No. 85/70/ID, dated 11-3-1970 have issued orders on the individual issues which were given effect to from 16-3-1970. As per the said orders Government ordered to keep the post of Senior Accountant in abeyance and to create one post of Accountant Grade I and promote G. Sebastian Fernando, Accountant Grade II (Accounts Clerk) as Accountant Grade I. In the Administrative Branch Sri. J. Arul, Assistant Grade I (Head Clerk) was appointed as Office Superintendent and Sri. M. Bhaskaran Pillai, Assistant Grade II (Time Keeper) who was the seniormost Assistant Grade II was promoted as Assistant Grade I and allowed to continue as Technical Trainee. Sri A. Raghavan Pillai, who was the next seniormost Assistant Grade II (Time Keeper) in the Administrative Branch was promoted in the vacancy of Sri M. Bhaskaran Pillai. Both Sri M. Bhaskaran Pillai and Sri A. Raghavan Pillai are graduates. Neither Sri S.T. Villavarayar nor any of the Unions functioning in the Company had raised any complaint on the bifurcation of the office into Administrative and Accounts Branches and the promotions given in those branches separately.

9. Subsequently Government have revived the post of Senior Accountant which was kept in abeyance and promoted Sri. P. Chandrasekhara Pillai, seniormost Accountant Grade I and the resultant vacancy was filled up by promoting Sri S. T. Villavarayar on 12-7-1971 invoking the concession in the Special Rules allowed for non-qualified persons for promotion to the next grade mentioned in para 7 above.

10. Incidentally it may be pointed out that the numbers assigned in the first column of the Gradation List attached to the Long Term Settlement are only serial numbers for indicating total number of employees in the factory and office and all categories are chronologically mentioned in the Gradation List. For example, in the office the Chief Accountant (Commercial Manager) is the first in the list, Office

Superintendent is the second, Senior Accountant is the third, Cost Accountant is the fourth, Stenographer is the fifth and so on. So serial No. 9 Sri S. T. Villavarayar in the Accounts Branch cannot claim seniority over serial No. 11 Sri M. Bhaskaran Pillai and Serial No. 12 Sri. A. Raghavan Pillai who are in the Administrative Branch simply because they are serially numbered below Sri S. T. Villavarayar. So serial number can never be taken as an indication for seniority in the different categories.

11. The Minerals Ministerial Staff Federation, Chavara, which now raised the dispute was not in existence at the time of negotiating the Long Term Settlement dated 19-1-1970 or while giving promotions as per G. C. (MS) 85/70/ID, dated 11-3-1970. It may be seen from the foregoing that all the Unions have agreed to the terms of the Long Term Settlement and also the settlement of individual issues as decided during the negotiations. Being a conciliation settlement, it is binding on all employees in the concern as contemplated by Section 18 of the Industrial Disputes Act. The office was rightly bifurcated into Administrative and Accounts Branches for the efficient functioning of the concern with the agreement of the employees. Sri. S. T. Villavarayar has rightly been given promotion on 12-7-1971 when vacancy arose in the Accounts Branch. Neither the Government nor the management has overlooked the claim of Sri S. T. Villavarayar at any time. On the other hand he was given promotion when the vacancy arose invoking the concession contemplated in the Special Rules. He cannot claim promotion in the Administrative Branch as he was working in the Accounts branch as Accounts Clerk and he has been rightly fitted in that branch regarding which he had no complaint and given promotion at the proper time.

12. Therefore it may be seen from the foregoing that Sri. S. T. Villavarayar has no claim for promotion to the post of Assistant Grade I and that the Kerala Minerals and Metals Ltd. (formerly F.X.P. Minerals) has never done any injustice to him while filling up the posts of Assistant Grade I on 16-3-1970.

13. In this connection it is pointed out that the Government of Kerala has handed over the factory with effect from 1-4-1972 to a new Company by name The Kerala Minerals and Metals Ltd. registered under the Indian Companies Act. The new Company which was never a party to the transactions in the past will be put to difficulties if the issue settled long ago by mutual agreement in the presence of the conciliation Officer is reopened at this distance of time.

14. From what is stated above it is clear that Sri. Villavarayar is not entitled to any relief whatsoever in this dispute.

15. The dispute raised is not an industrial dispute, and this Hon'ble Court has therefore no jurisdiction to adjudicate the same. Even according to Sri. Villavarayar, the cause of action if any arise long before the Union was even formed. The Union in which he was a member at the relevant time, which was a party to the settlement, never raised a dispute in regard to the issue now referred. In any view of the matter, the dispute is not one coming under the definition of industrial dispute under Section 2(k) of the Industrial Disputes Act.

It is therefore prayed that this Hon'ble Court be pleased to answer the reference by rejecting it and all claims for relief put forward on behalf of Sri Villavarayar, by the union.

I, P. O. Titus, Managing Director, Kerala Minerals and Metals Ltd., do hereby affirm and state that the facts stated above are true to the best of my knowledge, information and belief.

Sd/-

Dated this the 8th day of October, 1973.

For and on behalf of Kerala Minerals & Metals Ltd.

Ex. 3/E (ANNEXURE 'D')

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. (2), BOMBAY

Reference No. CGIT-2/11 of 1973

In the matter of the Industrial Dispute between the
Minerals Ministerial Staff Federation and manage-
ment of the F.X.P. Minerals (now known as Kerala
Minerals and Metals Limited.)

**Rejoinder of the Management to the Statement dated
6-10-1973 of the General Secretary, Minerals Ministerial
Staff Federation**

1. All the averments and allegations in the statement dated 6-10-1973 filed by the General Secretary, Minerals Ministerial Staff Federation (hereinafter referred to as the Union's Statement) are hereby denied except to the extent expressly conceded herein.

2. The claim that the workman according to the gradation is eligible for promotion is hereby denied. As explained in paragraph 10 of the management's statement dated 8-10-1973 the numbers assigned in the first column of the gradation list attached to the long term settlement are not indicative of the seniority of the persons mentioned against the respective numbers.

3. The allegation in paragraph 6 of the Union's Statement that promotions were given to some members of the staff subsequent to the agreement overlooking the seniority of Sri S. T. Villavarayar is incorrect and is hereby denied. On the other hand all promotions after the settlement were made in accordance with the Special Rules for recruitment and promotions laid down therein and Sri Villavarayar was also given promotion in accordance with the said Rules. It is inherent from the designations assigned to the various posts of office Superintendent, Senior Accountant, Cost Accountant etc. in the settlement and also in the gradation list that those designations were assigned in terms of the bifurcation of the office into Administrative and Accounts branches as agreed to in the settlement. It may be seen from page 41 of the settlement that the post of Office Superintendent, Senior Accountant, Cost Accountant etc. were newly created to cope up with the work of the Accounts Branch. As the bifurcation of the office in the aforesaid manner was part of the scheme of the settlement no question of seeking the option of the workmen concerned ever arose or could arise.

4. The allegation that the bifurcation of the office into Accounts Branch and Administrative Branch was made subsequent to the long term settlement is incorrect. This bifurcation was inherent in the settlement itself as explained already. Office order dated 14-8-1971 deals with the redistribution of work in the two branches and not bifurcation of the office into Accounts Branch and Administrative Branch.

5. After the bifurcation of the office into Accounts and Administrative Branches as per the long term settlement there was no common seniority between Sri M. Bhaskaran Pillai and Sri. A. Raghavan Pillai on the one hand and Sri S. T. Villavarayar on the other. Therefore the salary drawn by Sri Villavarayar at the time the other two were promoted in the Administrative Branch is immaterial and irrelevant.

6. The inter seniority as between Sri A. Raghavan Pillai and Sri M. Bhaskaran Pillai is irrelevant to the present dispute. There was no dispute regarding the promotion of Sri M. Bhaskaran Pillai.

7. The promotions effected after the long term settlement have been in accordance with the Special Rules laid down therein and were not wrongful. The promotion of Sri Villavarayar was due only on 12-7-1971 and it was given to him with effect from that date.

8. The Rajkumar Committee submitted its report before the long term settlement and the principles for recruitment and promotions and the gradation list recommended by the committee were discussed at the conciliation settlement and accepted by the management and the unions and incorporated in the settlement.

9. The increment given to Sri Villavarayar is not a matter which is relevant to this dispute. As per the long term settlement the normal date of increment of the employees who were not promoted to higher grades is the 1st day of August of the year. Sri Villavarayar was promoted on 12-7-1971 and his pay was fixed in the higher grade at Rs. 225 per mensem as against his pay of Rs. 210 in the lower grade. As the promotion was effected on 12-7-1971 to the higher grade as mentioned above the next increment for him was due only on 12-7-1972 and not on 1-8-1971 as in the case of employees who were not promoted. But while granting the increment to the employees who were not promoted Sri Villavarayar was also mistakenly given an increment with effect from 1-8-1971 without taking into account the promotion to the higher grade on 12-7-1971. This mistake was rectified later and extra payments made to Sri Villavarayar were recovered. The increments were given to the other four employees mentioned in paragraph 24 as their pay fixed in the higher grade after promotion fell short of their pay in the lower scale while granting the increments on the lower scale on 1-8-1971. No departure has been made from the rules either in the case of Sri Villavarayar or in the case of these four persons.

10. Sri S. T. Villavarayar was Accounts Clerk redesignated as Accountant Grade II while both M/s Bhaskaran Pillai and Raghavan Pillai were Time-keepers. As between Bhaskaran Pillai and Raghavan Pillai, who belong to the same category of Time-keepers, Bhaskaran Pillai was senior to Raghavan Pillai. Therefore the contention that the only post of Assistant Grade I should go rightly to Sri Villavarayar or Raghavan Pillai, who is the next senior most, is totally misleading.

11. The averments in paragraph 29 are irrelevant to the issue referred for adjudication.

12. Sri Villavarayar is not entitled to get promotion with effect from 16-3-1970 and consequently he is not entitled to any payment of increment or benefits from that date.

The management therefore prays that this Honourable Court be pleased to hold that the action of the management is not promoting Sri S. T. Villavarayar to the post of Assistant Grade I on 16-3-1970 is justified and he is not entitled to any relief whatsoever.

I, P. O. Titus, Managing Director, Kerala Minerals and Metals Ltd., do hereby affirm and state that the facts stated above are true to the best of my knowledge, information and belief.

Sd/-

For & on behalf of the Kerala
Minerals & Metals Ltd.

[No. L-29012/15/73-LR. IV]

P. P. KANTHAN, Under Secy.

Dated this the 22nd of October, 1973.

New Delhi, the 8th February, 1974

S.O. 476.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Messrs. Shipping and Clearing (Agents) Private Limited, Calcutta and their workmen, which was received by the Central Government on the 2nd February, 1974.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA**

Reference No. 7 of 1973

Parties :

Employers in relation to the management of Messrs.
Shipping and Clearing (Agents) Private Limited,
Calcutta,

AND

Their Workmen.

Present :

Sri S. N. Bagchi, Presiding Officer.

Appearance :

On behalf of Employers.—Sri N. K. Raha, Advocate.

On behalf of Workmen—Sri Janaki Mukherjee, General Secretary, National Union of Waterfront Workers.

State : West Bengal.

Industry : Port & Dock.

AWARD

By Order No. 1-32011/2/73-P&D dated 4th June, 1973 the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of Messrs. Shipping and Clearing (Agents) Private Limited, Calcutta and their workmen, to this tribunal, for adjudication, namely :

"Whether the following demands of the workmen, namely : S/Shri Chandrika Rai, Ram Prasad Rai, Ambika Rai, Ram Naresh, Ramdeo, Sagar, Ram Audhay, Hari Charan, Dharamnath, Rambuji, Hari Rai, Ram Chandra, Lal Bahadur Singh, Mazdoors and Shri Zakir, Driver and Shri Haider Khan, Cleaner of Messrs. Shipping and Clearing (Agents) Private Limited as represented by National Union of Waterfront Workers (INTUC) are justified? If so, to what relief are they entitled and from what date ?

- (1) Declaration of permanency of workmen ;
- (2) Fixation of pay scale ;
- (3) Payment of dearness allowance, additional dearness allowance, House rent, City Compensary allowance as admissible under the recommendations of the Central Wage Board for Port and Dock Workers at Major Ports.
- (4) Weekly resnt.
- (5) Privilege leave, sick leave and casual leave."

2. The workmen represented by National Union of Waterfront Workers and the employers represented by its lawyer appeared on the date fixed for peremptory hearing. Fresh letter of authority was filed on that day on behalf of one workman Ram Prasad Rai signed by somebody as acceptor of the letter of authority filed on the date of hearing i.e. 22-1-1974. The gentlemen appearing on behalf of the workmen on the basis of this letter of authority claimed to be General Secretary of the union. He objected to the appearance of the employer through lawyer on the date of hearing.

3. A statement of case on behalf of the employer company was filed on 11-9-73 signed by one of the Directors of the company as well as by one advocate. On 16-1-74 the same advocate Sri N. K. Raha filed a petition on behalf of the company pin pointing in the petition the preliminary points affecting the jurisdiction of this tribunal to entertain and adjudicate upon the reference as made. The gentleman who represented the workmen claiming to be the General Secretary of the union on the basis of the letter of authority filed purported to have been signed by one of the workmen raised the objection to the appearance of the lawyer. The lawyer on behalf of the employer company submitted that

in view of the decision of the Calcutta High Court the objection of the workman through the General Secretary of the Union to the appearance of the lawyer raised for the first on the date of peremptory hearing should not be entertained under the law. On 11-9-73 the statement of case on behalf of the employer company was filed signed not only by one of the directors of the company but by the Advocate with his signature and endorsement thereon reading as "filed by N. K. Raha, Advocate". The copy of the statement of case, on behalf of the employer so filed on 11-9-73, was served on the workmen represented by the union. The application on behalf of the employer company, signed by Sri N. K. Raha Advocate, and filed by him on 16-1-74, contains the preliminary points raising the question of jurisdiction of this tribunal to entertain and adjudicate upon the reference came up for consideration on 22-1-74 the date fixed for peremptory hearing. The belated objection by the General Secretary of the union representing the workmen on the basis of the letter of authority filed on the date of hearing is, therefore, not tenable according to law.

4. The first question that is to be decided by this tribunal before entertaining and adjudicating upon the reference is whether the Central Government is the appropriate Government to refer the dispute under reference to this tribunal for adjudication. It is the most fundamental question affecting the jurisdiction of the tribunal to entertain and adjudicate upon the reference. In paragraph 1(a) of the statement of case filed by the employer it is stated that the Central Government which has referred the alleged dispute to this Tribunal is not the appropriate Government within the meaning of the Industrial Disputes Act. I shall not consider the other points raising the question of jurisdiction of this tribunal to entertain and adjudicate upon the reference in the statement of case filed by the employer company.

5. The workmen filed its statement of case signed by one Sri Janaki Mukherjee, General Secretary of the Union. In paragraph 3 of the said statement of case, which was verified by two of the workmen involved in this dispute under the orders of the Tribunal on 31-12-73, it is stated that the Opposite party i.e. the employer are Clearing and Forwarding Agents of cargo from and by Ships, Airways and other means of transport, and mainly by waterways and the present dispute are concerned with those workmen employed by the Opposite party in the Calcutta Docks, Jetties and wharves and/or within the areas of the Docks.

6. Now, the question is whether in relation to the industry of the employer the Central Government is the appropriate Government to refer the alleged dispute for adjudication to this tribunal by the order of reference in question. Sec. 2(a) of the Industrial Disputes Act as amended up to date contains the list of industries in relation to which the Central Government is the appropriate Government. The employer is a Private Limited Company under the name and style of Shipping and Clearing Agents Private Limited. Reading Sec. 2(a) of the Industrial Disputes Act where there are specifications of industries in relation to which the Central Government is the appropriate Government, I do not find that the employer in the present case Shipping and Clearing Agents Private Limited, comes within any of the industries mentioned in Sec. 2(a) of the Industrial Disputes Act, 1947 in relation to which the Central Government is the appropriate Government.

7. The gentleman who appeared on the date of hearing on behalf of the workmen as General Secretary of the Union submitted that the employer of the workmen and the workmen were not governed by the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970. But in the statement of case filed on behalf of the workmen, it is stated in paragraph 4 thereof that the workmen connected with the dispute are covered by the definition of the "Dock worker" as defined in the Dock Workers (Regulation of Employment) Act, 1948 and other.... The Dock Workers (Regulation of Employment) Act, 1948 by Sec. 2(b) defines 'Dock workers'. Section 3 speaks of Scheme for ensuring regular employment of workers. Sub-section (1) of Section 3 speaks of provisions that may be made by a Scheme for registration of dock workers and employers with a view to ensuring greater regularity of employment and for regulating the employment of dock workers, whether registered or not, in a port. Sub-section (2) of Section 3 in clauses (a) to (k) provide for the matters that are to be included in the Scheme to be published under the Act in the manner prescribed. Sec. 3(2)(d) of the Act provides for a scheme for regulating the employer of dock workers whether registered or not and the terms and conditions of such employment including rates of remuneration, hours of work, condition as to holidays and pay in respect thereof. Clause (3) thereof provides for securing that in respect of periods during which employment, or full employment, is not available for dock workers to whom the scheme applied and who are available for work, such workers will subject to the conditions of the scheme, receive a minimum pay. By a notification dated 1st June, 1970 the Dock Workers (Regulation of Employment) Scheme, 1970 came into force from 1st July, 1970. In clause (3) of the Scheme there are several expressions interpreted. Clauses (3)(p) speaks of registered dock workers, and 3(q) registered employers, 3(r) reserve pool, and 3(n) Pool workers. Clause 3(h) speaks of dock work meaning operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies. Clause 3(1) speaks of monthly worker meaning a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side. Clause (2) of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 speaks of the objects and application of the Scheme. The objects of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 are to ensure greater regularity of employment for dock workers by maintaining an adequate but not more than adequate number of dock workers, the achievement of efficiency of performance in dock work and attainment of satisfactory levels of productivity by the dock workers and progressively, more and more full monthly employment for the dock workers under the registered employers and thus fulfil the ultimate objective of complete decasualisation of the workforce. Sub-clause (2) of clause (2) says that the Scheme relates to the port of Calcutta within the limits specified in Schedule V and applies to the classes or descriptions of dock work and dock workers set out in Schedule I. The proviso to the sub-clause (2) says that the Scheme shall not apply to any dock worker who is not specified in Scheme I. Schedule I gives the list of Dock Workers to which the Scheme applies such as Stevedoring work (other

than coal stevedoring and coal bunkering) salt, passenger baggage and mail work, Dock Foreman, Hatch Foreman, Winch Driver, Sardar, Mate, Stevedore Mazdoor Senior, Stevedore Mazdoor Junior, Rigger, Tally Clerk, Salt Worker, Bagger and Sticher, General Mazdoor (Cargo), General Purpose Mazdoor and Gearman. In paragraph 4 of its statement of case filed on behalf of the workmen it is stated that the workmen connected with the dispute are covered by the definition Dock Workers as defined in Dock Workers (Regulation of Employment) Act, 1948 and others are covered by the recommendation of the Central Wage Board for Port and Dock and the Union crave reference to the aforesaid Acts and amongst others to page 58 and item 6.23 on page 120, and page 127 of the Central Wage Board for Port and Dock Workers' as published by the Government of India in 1969-70.

8. The moot question is whether the present workmen come within Schedule I of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 made and published under Sec. 3 of the Calcutta Dock Workers (Regulation of Employment) Act, 1948. Every dock worker shall not be covered by the Scheme. Only the dock workers as in Schedule I shall be covered by the Scheme of 1970 prepared under the 1948 Act. The gentleman who appeared as General Secretary of the Union on behalf of the workmen on 22-1-74 while submitting before me stated that the 1970 Scheme did not cover the workmen. The bare Act of 1948 makes no provision as to the employment of dock workers by the Dock employer. The Act and the Scheme make law on the subject complete. The 1970 Scheme, as I have pointed out, by Schedule I makes it applicable only to those workers as are included in the Scheme. But the present workers are not included in the said Schedule. Nowhere in its statement of case the workmen stated that they were registered dock workers under registered employer, the company in the present case within the meaning of such expression under the Scheme of 1970. The workmen involved in this dispute do not fall within any of the categories of workmen as in Scheme I of 1970 Scheme. As I have pointed out Clause 2 sub-clause (2) of 1970 Scheme clearly says that the Scheme relates to Port of Calcutta within the limits specified in the Schedule V and applies to classes or descriptions of Dock workers and of the categories of dock workers as set out therein and by proviso to Sub-clause 2 of clause 2 it is stated that the Scheme shall not apply to any dock worker who is not specified in Schedule I. By sub-clause (3) of clause 2 of the Scheme, 1970 it is stated that the scheme shall apply to the registered dock workers specified above and their registered employers. The workmen in their statement of case have nowhere stated that they were registered dock workers, and the company, the employer of the workmen, are registered employers. The statement of case filed on behalf of the workmen by paragraph 3, it is stated that the Opposite party are Clearing and Forwarding Agents of Cargo from and by Ships, Airways and other means of transport, and mainly by waterways and the present dispute are concerned with those workmen employed by the Opp. party in the Calcutta Docks, Jetties and wharves and/or within the areas of the Docks. So, the employer i.e. the Shipping and Clearing Agents does not confine its business activity to Port of Calcutta and to the Airport of Calcutta. Their activity extend to the use of other means of transport along waterways. The activities

of the company involve in clearing and forwarding of cargoes (1) from and by Ships, (2) Airways, (3) other means of transport and mainly by waterways. The expression "mainly by waterways" may include boats, motor-boats, barges. The expression "other means of transport" may include motor-vehicle, lorries, bullock carts and any other vehicular or non-vehicular means of transport even human agency. Paragraph 3 of the statement of case filed on behalf of the workmen further says, "and the present disputes are concerned with those workmen employed by the Opposite party in the Calcutta Docks, Jetties and wharves and/or within the areas of the Docks". Clause (3)(g) of the 1970 Scheme mentioned above defines dock employer which means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers formed under item c of sub-clause 1 of Clause 17. "Dock work" in clause (3)(h) of the Scheme means operation at places or premises to which the Scheme relates, ordinarily performed by "dock workers" of the classes or descriptions to which the Scheme applies. The Scheme of 1970, as I have already pointed out, does not apply to any "dock worker" which is not covered by Schedule I of the Scheme nor the Scheme applies to any who is not a registered dock worker or registered employer. Clause 2(2) of the Scheme, as I have already pointed out, says that the Scheme relates to the Port of Calcutta within the limits specified in Schedule V thereof and applies to the classes or description of dock work and dock workers set out in Schedule I and by proviso it is stated that the scheme shall not apply to any dock worker who is not specified in Schedule I. Sub-clause (3) of clause (2), of the Scheme as I have already mentioned, says that the scheme shall apply to registered dock workers and their registered employers. In paragraph 4 of the statement of case filed on behalf of the workmen it is stated that the workmen connected with the dispute are covered by the definition of "dock workers" as defined in Dock Workers (Regulation of Employment) Act, 1948. But the gentlemen appearing on behalf of the workmen submitted that the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 does not apply to the workmen involved in the dispute. I have already pointed out that the Dock Workers (Regulation of Employment) Act, 1948 so far as Calcutta Port is concerned is a dead law, without the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970. The Scheme of 1970 applies to Calcutta Port as specified in Schedule V of the Scheme. One who comes within the definition of dock worker in the Act i.e. Dock Workers (Regulation of Employment) Act, 1948 may not be a dock worker under the Scheme of 1970. The workmen do not claim in this dispute that they and their employer are governed by the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970. Had they been governed by the Scheme of 1970, which is applicable to the Calcutta Port then the dispute referred to for adjudication by this tribunal might have come within the expression "Major Port" as in Sec. 2(a) of the Industrial Disputes Act, 1947 wherein appropriate Government in relation to the industries specified in clause (q) is the Central Government. The Scheme of 1970 is applied to the Port of Calcutta but only in respect of specified workmen and specified employer as in the Scheme itself (Section 2 of 1970 Scheme). The workmen do not claim to be governed by the Scheme of 1970 and even if they are so governed, they do not come

within Schedule I of the Scheme. So, their dispute does not as referred to for adjudication, relate to any "major port" as included in Sec. 2(a) of the Industrial Disputes Act. Accordingly, the appropriate Government is not the Central Government to refer the alleged dispute for adjudication by this tribunal.

9. I therefore, conclude that in relation to the dispute referred to for adjudication by this tribunal the appropriate Government is not the Central Government within Sec. 2(a) of the Industrial Disputes Act read with Dock Workers (Regulation of Employment) Act, 1948 and the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970. Accordingly, this tribunal cannot entertain and adjudicate upon the dispute as referred to for adjudication by this tribunal. The reference is, therefore, rejected.

This is my award.

Dated : 25th Jan., 1974. 100.

S. N. BAGCHI, Presiding Officer

[No. L-32011/2/73-P&D]

V. SANKARALINGAM, Under Secy.

श्रम और पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

आदेश

नई दिल्ली, 8 फरवरी, 1974

का. आ. 477.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मेसर्स गोस-लिया शिपिंग प्राइवेट लिमिटेड, स्टीवहोर्स, वास्को-दा-गामा, गोआ के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वेशित करना वांछनीय समझती है ;

अतः, अब, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2 मुम्बई को न्यायनिर्णयन के लिए निर्वेशित करती है ।

अनुसूची

"क्या मेसर्स गोसलिया शिपिंग प्राइवेट लिमिटेड, स्टीवहोर्स, वास्को-दा-गामा (गोआ), की, श्री लूस मर्यानों पैरीरा, सहायक फॉर्मैन को, 13 दिम्बर, 1972 से कर्तव्य के पुनः आरम्भ करने की आज्ञा न देने की कार्रवाई, न्यायचित है - यदि नहीं, तो कर्मकार किस अनुतोष का हकदार हैं ?

[सं. एल-36012/5/73-पी एण्ड डी]

ORDER

New Delhi, the 8th February, 1974

S.O. 477.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Gosalia Shipping Private Limited, Stevedores Vasco-da-Gama, Goa and their workmen in respect of the matters specified in the Schedule hereto annexed :

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, No. 2, Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Messrs Gosalia Shipping Private Limited, Stevedores, Vasco-da-Gama (Goa), in not allowing Shri Luis Mariano Pereira, Assistant Foreman, to resume duty with effect from the 13th December, 1972, is justified? If not, to what relief is the workman entitled?"

[No. L. 36012/5/73-P&D]

का. आ. 478.—यतः मद्रास अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में संशोधन करने के लिए कीतपय स्कीम का प्रारूप डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथाअपेक्षित, भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 839, तारीख 8 मार्च, 1973 के अन्तर्गत, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), तारीख 17 मार्च, 1973 के पृष्ठ 1195-96 पर प्रकाशित किया गया था जिसमें व्यक्तियों से जिनका उससे प्रभावित होना संभाव्य है, अधिसूचना के राजपत्र में प्रकाशन की तारीख से 45 दिन की अवधि की समाप्ति तक, आक्षेप और सुझाव मांगे गए थे।

और यतः उक्त राजपत्र 17 मार्च, 1973 को जनता को उपलब्ध करा दिया गया था ;

और यतः, केन्द्रीय सरकार द्वारा उक्त प्रारूप पर जनता से कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मद्रास अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस स्कीम का संक्षिप्त नाम मद्रास अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) प्रथम संशोधन स्कीम, 1974 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. मद्रास अरजिस्ट्रीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1957 में,—

(1) खंड 8 ख के उपखंड (2) की मद (क) में,—

(क) "तीन" शब्द, जहाँ कहीं वह आया है, के स्थान पर "दो" शब्द रखा जाएगा ;

(ख) "कायला" शब्द का लोप कर दिया जाएगा।

(2) खंड 9 क के उपखंड (2) में,—

(क) अरम्भिक पैरा में "तीन" शब्द के स्थान पर "दो" शब्द रखा जाएगा ;

(ख) मद (3) का लोप कर दिया जाएगा ;

(3) अनुसूची में, मद (3) के स्थान पर, निम्नलिखित मद रखी जाएगी, अर्थात् :—

"(3) कायला (जिसमें बंकर कायला भी सम्मिलित है) उठाने में नियोजित समुद्रतटीय श्रमिक।"

[सं. बी. 13011/2/72-पी एन्ड डी]

S.O. 478.—Whereas certain draft scheme to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at pages 1195-96 of the Gazette of India, Part II Sec. 3 sub-section (ii), dated the 17th March, 1973 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), No. S.O. 839, dated the 8th March, 1973 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of 45 days from the date of publication of the notification in the Official Gazette.

And Whereas the said Gazette was made available to the public on the 17th March, 1973.

And whereas no objections and suggestions have been received from the public on the said draft by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 namely:—

1. **Short title and commencement.**—(1) This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) First Amendment Scheme, 1974.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957,—

(i) in item (a) of sub-clause (2) of clause 6B,—

(a) for the word "three" wherever it occurs, the word "two" shall be substituted;

- (b) the word "coal" shall be omitted.
- (ii) in clause 9A, in sub-clause (2).—
- (a) in the opening paragraph, for the word "three", the word "two" shall be substituted;
- (b) item (iii) shall be omitted;
- (iii) in the Schedule, for item (3), the following item shall be substituted namely:—
- "(3) Shore labour employed in handling coal (including bunker coal)".

[No. V-13011/2/72-P&D]

का. आ. 479.—यतः मद्रास डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में संशोधन करने के लिए कतिपय स्कीम का प्रारूप डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथाअर्पण, भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 840, तारीख 8 मार्च, 1973 के अन्तर्गत, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), तारीख 17 मार्च, 1973 के पृष्ठ 1196 पर प्रकाशित किया गया था जिसमें उन सभी व्यक्तियों से जिनका उससे प्रभावित होना संभाव्य है अधिसूचना के राजपत्र में प्रकाशन की तारीख से 45 दिन की अवधि की समाप्ति तक आक्षेप और सुझाव मांगे गए थे,

और यतः उक्त राजपत्र 17 मार्च, 1973 को जनता को उपलब्ध करा दिया गया था,

और यतः, केन्द्रीय सरकार द्वारा उक्त प्रारूप पर जनता से कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं,

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मद्रास डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस स्कीम का संक्षिप्त नाम मद्रास डॉक कर्मकार (नियोजन का विनियमन) प्रथम संशोधन स्कीम, 1974 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. मद्रास डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 की अनुसूची 1 की मद (1) में "परन्तु कोयले संबंधी कार्य को छोड़कर" शब्दों का लोप कर दिया जाएगा।

[सं. वी 13011/2/72-पी एन्ड डी]

वी. शंकरालिंगम, अवर सचिव।

S.O. 479.—Whereas certain draft scheme to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at pages 1196 of the Gazette of India, Part-II, section 3, sub-section (ii), dated the 17th March, 1973 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), No. S.O. 840, dated the 8th March, 1973 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of 45 days from the date of publication of the notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 17th March, 1973;

And whereas no objections and suggestions have been received from the public on the said draft by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956 namely:—

1. Short title and commencement.—(1) This scheme may be called the Madras Dock Workers (Regulation of Employment) First Amendment Scheme, 1974.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule 1 of the Madras Dock Workers (Regulation of Employment) Scheme, 1956 in item (1) the words "but excluding coal work" shall be omitted.

[No. V-13011/2/72-P&D]

V. SANKARALINGAM, Under Secy.

